

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 8/28/2020 8:20:12 PM
To: Paul Goranson [pgoranson@energyfuels.com]
Subject: RE: Energy Fuels Announces Management Streamlining

Thanks Paul, you have my contact information I look forward to keeping in touch.

From: Paul Goranson <pgoranson@energyfuels.com>
Sent: Friday, August 28, 2020 10:39 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: Energy Fuels Announces Management Streamlining

Doug,

I hope you are doing well these days. As you can see from the press release below, I am leaving Energy Fuels at the end of August. The decision for the change was a bit of a surprise, but the departure is on very good terms. I don't have a landing spot, but as the press release circulated, there have been several inbounds for opportunities.

I hope that we cross paths again, and assuming things go as I would prefer in November, there is a greater chance of that. My only regret is that I did not get the chance to tour the White Mesa Mill with you and Andy. Please stay in touch, and if there is anything I can help with, please let me know.

My contact information will change. My email will be Ex. 6 Personal Privacy (PP) and my cell phone Ex. 6 Personal Privacy (PP)

Regards,
 Paul



Energy Fuels Resources (USA) Inc.

William Paul Goranson
Chief Operating Officer

t: 303.389.4168 | c: 307.287.0126 | f: 303.389.4125
 225 Union Blvd. Suite 600
 Lakewood, CO 80228

<http://www.energyfuels.com>

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From: Energy Fuels <newsalerts@energyfuels.com>
Sent: Thursday, August 20, 2020 5:33 AM
To: Paul Goranson <pgoranson@energyfuels.com>
Subject: Energy Fuels Announces Management Streamlining

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

News Release Issued: Aug 20, 2020 (5:30am MDT)

To view this release online and get more information about Energy Fuels visit:

<https://www.energyfuels.com/2020-08-20-Energy-Fuels-Announces-Management-Streamlining>

Energy Fuels Announces Management Streamlining

LAKEWOOD, Colo., Aug. 20, 2020 /CNW/ - **Energy Fuels Inc. (NYSE American: UUUU; TSX: EFR) ("Energy Fuels" or the "Company")**, the leading uranium producer in the United States, is pleased to announce that it is making a number of changes to its management team in order to reduce costs, flatten the organizational structure, and focus on the ongoing growth of a new generation of U.S. uranium and rare earth element ("REE") professionals, including the following, effective September 1, 2020:



- Mr. Scott Bakken, the current Senior Director, Regulatory Affairs, will become the Vice President of Regulatory Affairs. Mr. Bakken has been with the Company since 2014, where he has held senior positions over permitting and regulatory matters relating to both the Company's conventional mine and mill operations and its *in situ* recovery ("ISR") operations. Prior to joining the Company, Mr. Bakken held several positions with Cameco Corporation's U.S. subsidiaries, Power Resources, Inc. and Cameco Resources, and with MDU Resources Group, Inc.'s mining and construction materials subsidiary, Knife River Corporation, through which he gained extensive experience in permitting and regulatory activities at mining and ISR uranium recovery facilities since 1997. In his new role, Mr. Bakken will be responsible for permitting and regulatory matters relating to all of the Company's operations, both conventional and ISR, and will also assume the overall responsibility for worker health and safety matters at the Company.
- Mr. Bernard Bonifas, the current Director, Wyoming Operations, will become the Director of ISR Operations. Mr. Bonifas, a veteran in both ISR and conventional uranium mining over a career that has spanned over 30 years, has been with the Company since March 2015, and has primarily been responsible for the Company's Nichols Ranch ISR facility operations in Wyoming. Prior to joining the Company, Mr. Bonifas was General Manager of Cameco Corporation's Smith Ranch and Highland ISR facility in Wyoming from November 2013 to June 2014, Senior Managing Director of COMUF in Gabon from December 2010 to March 2012, and General Manager of the Shirley Basin and Lucky Mc Mines and the Christensen Ranch ISR facility in Wyoming from February 2007 to January 2010. Prior thereto, Mr. Bonifas worked for Areva (now Orano Cycle) in a number of capacities on uranium projects around the world, including in France, Zambia, Kazakhstan, Paraguay, Argentina, Mexico and Texas. In his

new role, Mr. Bonifas will be responsible for all of the Company's ISR operations, including its Nichols Ranch ISR project in Wyoming and its Alta Mesa ISR project in Texas.

- Ms. Sarai Luksch, CPA, will join the Company as Controller. Ms. Luksch comes from Crimson Midstream, LLC, a provider of crude oil transportation and storage services, where she served as Controller and Manager of Financial Reporting since November 2016. Prior to that time, she was a Senior Associate within Transaction Services and an Experienced Associate within Assurance at PricewaterhouseCoopers, LLP, and has audit experience within the rare earth mining industry. She also spent a year with Opportune, LLP, a privately held global business advisory firm specializing in the energy industry. Ms. Luksch has experience in all facets of public and private company financial statement preparation and in managerial reporting. Ms. Luksch has a Dual Bachelor of Science degree in Business Administration with concentrations in International Business and Accounting, as well as a Master of Accountancy, both from the University of Denver.
- Ms. Dee Ann Nazarene, the current Director, Human Resources & Administration, will become the Vice President of Human Resources & Administration. Ms. Nazarene has been with the Company for 14 years, and prior to joining the Company held human resource and administration management positions with a number of different organizations since 1995. She has been an integral part of the Company in overseeing all aspects of human resources and administration. As Vice President of Human Resources & Administration, Ms. Nazarene will be responsible for planning, developing, organizing, implementing, directing and evaluating all human resource functions of the Company, in addition to being responsible for directing and managing all administrative functions of the Company.
- Mr. Logan Shumway, the current Manager of the Company's White Mesa Mill, will become Director of Conventional Operations, including advancement of the Company's REE objectives. Mr. Shumway has been with the Company for 10 years and has been instrumental in a number of innovative initiatives at the White Mesa Mill, including the development and implementation of the Mill's uranium and vanadium pond return recycling programs and the Company's current REE initiative, in addition to being responsible for overall White Mesa Mill management. In his new role as Director of Conventional Operations, Mr. Shumway will add responsibility over the Company's conventional uranium and uranium/vanadium mines and abandoned uranium mine clean-up initiatives to his continuing responsibilities over all activities at the White Mesa Mill.

In addition, and in support of the objective to reduce costs, effective as of August 31, 2020, Chief Operating Officer, Mr. W. Paul Goranson, and effective as of October 31, 2020, Chief Accounting Officer, Mr. Matt Tarnowski, will each be leaving the Company to pursue other opportunities.

Energy Fuels' President and CEO Mark S. Chalmers stated: "While the U.S. uranium mining and rare earth element industries are small, there are excellent opportunities, and we have some extremely talented and knowledgeable rising professionals who have shown a true dedication to the values we uphold at Energy Fuels, including safety, environmental protection, social responsibility, meeting and exceeding regulatory standards, creativity, and continuous improvement. This is the reason why I am proud to announce the promotions of Scott Bakken, Bernard Bonifas, Dee Ann Nazarene and Logan Shumway. I am also very pleased to introduce Sarai Luksch to the team. These individuals will be the leaders of our industry in the years and decades to come, and I look forward to witnessing their continued professional growth as we work to bring U.S. uranium and rare earth production back to global prominence.

"At the same time, I wish to personally thank Paul Goranson for his leadership and service to the Company over the past several years. Paul was instrumental in a number of initiatives for the Company, including playing an important role in our rare earth element processing initiative. In addition, he has played a leading role nationally in Energy Fuels' efforts to gain U.S. government recognition of domestic uranium mining. Paul is a consummate professional and one of the leading U.S. authorities in the uranium sector. We wish Paul the very best as he moves onto new

opportunities, and we look forward to working with him in the future on industry-wide initiatives. Likewise, I would like to thank Matt Tarnowski for his service and dedication to the Company for many years as it grew from a small company to the Company it is today, and wish him the very best in his future endeavors."

About Energy Fuels: *Energy Fuels is the leading U.S.-based uranium mining company, supplying U₃O₈ to major nuclear utilities. The Company also produces vanadium from certain of its projects, as market conditions warrant. Its corporate offices are near Denver, Colorado, and all of its assets and employees are in the United States. Energy Fuels holds three of America's key uranium production centers – the White Mesa Mill in Utah, the Nichols Ranch in-situ recovery ("ISR") Project in Wyoming, and the Alta Mesa ISR Project in Texas. The White Mesa Mill is the only conventional uranium mill operating in the U.S. today, has a licensed capacity of over 8 million pounds of U₃O₈ per year, and has the ability to produce vanadium when market conditions warrant. The Nichols Ranch ISR Project is on standby and has a licensed capacity of 2 million pounds of U₃O₈ per year. The Alta Mesa ISR Project is also on standby and has a licensed capacity of 1.5 million pounds of U₃O₈ per year. In addition to the above production facilities, Energy Fuels has one of the largest NI 43-101 compliant uranium resource portfolios in the U.S. and several uranium and uranium/vanadium mining projects on standby and in various stages of permitting and development. The primary trading market for Energy Fuels' common shares is the NYSE American under the trading symbol "UUUU," and the Company's common shares are also listed on the Toronto Stock Exchange under the trading symbol "EFR." Energy Fuels' website is www.energyfuels.com.*

Cautionary Note Regarding Forward-Looking Statements: *This news release contains certain "Forward-Looking Information" and "Forward-Looking Statements" within the meaning of applicable United States and Canadian securities legislation, which may include, but are not limited to, statements with respect to: any expectation that the management changes will reduce costs; any expectation as to the future performance of management or the Company as a result of these changes; any expectation that there are excellent opportunities in the U.S. uranium mining and rare earth element industries; any expectation that U.S. uranium and rare earth production may be brought back to global prominence; and any expectation that the Company may continue to be the leading U.S.-based uranium mining company. Generally, these forward-looking statements can be identified by the use of forward-looking terminology such as "plans," "expects," "does not expect," "is expected," "is likely," "budgets," "scheduled," "estimates," "forecasts," "intends," "anticipates," "does not anticipate," or "believes," or variations of such words and phrases, or state that certain actions, events or results "may," "could," "would," "might" or "will be taken," "occur," "be achieved" or "have the potential to." All statements herein, other than statements of historical fact, are considered to be forward-looking statements. Forward-looking statements involve known and unknown risks, uncertainties and other factors which may cause the actual results, performance of or achievements of the Company to be materially different from any future results, performance, or achievements, express or implied, by the forward-looking statements. Factors that could cause actual results to differ materially from those anticipated in these forward-looking statements include risks associated with: any expectation that the management changes will reduce costs; any expectation as to the future performance of management or the Company as a result of these changes; any expectation that there are excellent opportunities in the U.S. uranium mining and rare earth element industries; any expectation that U.S. uranium and rare earth production may be brought back to global prominence; any expectation that the Company may continue to be the leading U.S.-based uranium mining company; and the other factors described under the caption "Risk Factors" in the Company's most recently filed Annual Report on Form 10-K, which is available for review on EDGAR at www.sec.gov/edgar.shtml, on SEDAR at www.sedar.com, and on the Company's website at www.energyfuels.com. Forward-looking statements contained herein are made as of the date of this news release, and the Company disclaims, other than as required by law, any obligation to update any forward-looking statements whether as a result of new information, results, future events,*

circumstances, or as a result of changes in management's estimates or opinions, or otherwise. There can be no assurance that forward-looking statements will prove to be accurate, as actual results and future events could differ materially from those anticipated in such statements. Accordingly, the reader is cautioned not to place undue reliance on forward-looking statements. The Company assumes no obligation to update the information in this communication, except as otherwise required by law.

SOURCE Energy Fuels Inc.

For further information: Energy Fuels Inc., Curtis Moore - VP - Marketing & Corporate Development, (303) 974-2140 or Toll free: (888) 864-2125, investorinfo@energyfuels.com, www.energyfuels.com

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<https://www.energyfuels.com/index.php?s=subscribe&code=dHPPDWmrmQNMCFqZjqKIYT-ETnUNfQPg>

Message

From: Jenkins, Laura Flynn [Jenkins.Laura@epa.gov]
Sent: 5/21/2020 4:40:57 PM
To: Barnicoat, Dana [Barnicoat.Dana@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Buhl, Rick [Buhl.Rick@epa.gov]; Beeler, Cindy [Beeler.Cindy@epa.gov]; Costanzi, Frances [Costanzi.Frances@epa.gov]; Darling, Corbin [Darling.Corbin@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]; Dew, Wendy [Dew.Wendy@epa.gov]; Elsen, Henry [Elsen.Henry@epa.gov]; Farris, Laura [Farris.Laura@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]; Hanson, Robyn [Hanson.Robyn@epa.gov]; Harrison, Jennifer [Harrison.Jennifer@epa.gov]; Inman, DonnaK [Inman.DonnaK@epa.gov]; Jenkins, Joy [Jenkins.Joy@epa.gov]; Jenkins, Laura Flynn [Jenkins.Laura@epa.gov]; Larsen, Erika [Larsen.Erika@epa.gov]; Lennon, David [Lennon.David@epa.gov]; McClain-Vanderpool, Lisa [McClain-Vanderpool.Lisa@epa.gov]; McIntosh, Karen [McIntosh.Karen@epa.gov]; Mutter, Andrew [mutter.andrew@epa.gov]; Mylott, Richard [Mylott.Richard@epa.gov]; OBrien, Wendy [OBrien.Wendy@epa.gov]; Piantanida, David [Piantanida.David@epa.gov]; Press [Press@epa.gov]; Sethuraman, Jag [Sethuraman.Jag@epa.gov]; Snyder, Shannon [snyder.shannon@epa.gov]; Sopkin, Gregory [sopkin.gregory@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Wardell, Christopher [Wardell.Christopher@epa.gov]; Wiese, Justin [Wiese.Justin@epa.gov]; Wood, Melaniel [Wood.Melaniel@epa.gov]; Yancey, Yani [yancey-foote.yani@epa.gov]
Subject: Environmental Headlines - May 21, 2020

Environmental Headlines – Prepared by the Region 8 Public Affairs Branch.

Note: Many newspapers are beginning to adopt subscription policies to govern access to their online editions. In some cases, this involves the creation of a free user account; in others, paid subscription is necessary to view more than a set number of articles per month. In many cases, however, you can access the article if you use a different browser.

Colorado

[Colorado Edition: What We Don't Know](#)

Montana

[Celebrate bees and the important work they do](#)

North Dakota

[Minot City Council awards bid for new water tower](#)

[New natural gas projects are a boon for North Dakota's economy and environment](#)

Utah

[The White Mesa Mill Has Become A Dumping Ground For Radioactive Waste, Tribe And Advocates Say](#)

Wyoming

[Scientists: Reworked BLM plan still fails to protect sage grouse](#)

National and International News

[Boiling Point: The "30 by 30" plan to save nature](#)

Man charged with 125 wildlife crimes says he 'likes to do it'

Michigan flood displaces thousands, threatens chemical plant

The end of plastic? New plant-based bottles will degrade in a year

Have a wonderful day...be well...and be safe!

Laura Flynn Jenkins

Media Officer

USEPA – Region 8 Public Affairs

Email: Jenkins.laura@epa.gov

Land Line: 303-312-6256

Cell Phone: 720-519-5504

Twitter: [@EPARegion8](https://twitter.com/EPARegion8)

Facebook: [U.S. EPA Region 8](https://www.facebook.com/U.S.-EPA-Region-8)

Webpage: [EPA Region 8](https://www.epa.gov/region8) (Mountains and Plains)



Message

From: Morgan, Ruthw [morgan.ruthw@epa.gov]
Sent: 6/19/2020 12:36:59 PM
Subject: Administrator's Weekly Report for the week ending June 19, 2020.
Attachments: Administrator Weekly Report 061920 (003).docx; Administrator Weekly Report 061920 (003).pdf

Good morning Administrator Wheeler and colleagues,

Attached please find the **Administrator's Weekly Report** (in both PDF and Word), which includes program and regional office updates for the week ending June 19, 2020.

Sincerely,
Ruth

Ruthw Morgan, Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1326
Morgan.Ruthw@epa.gov

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Returning to report.

Region 8Hot Topics**EPA R8 Plans Outreach and Possible Tribal Consultation with the Ute Mountain Ute Tribe regarding the White Mesa Mill regarding Compliance, Permitting, and Licensing Matters**

The Ute Mountain Ute Tribe has several concerns with the White Mesa Mill Facility. The White Mesa Mill's Radioactive Material License is being amended to allow receipt of additional waste sources. Utah is amending the White Mesa Mill's groundwater permit to authorize an increase to allowable levels of several constituents and the comment period has been extended to July 10. R8 will review and update all potential White Mesa Mill issues and concerns that the Tribe may have where EPA may have a regulatory or enforcement role.

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Message

From: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Sent: 3/9/2022 8:46:33 PM
To: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Subject: Administrator's Weekly Report for 3/9/22
Attachments: Administrator Weekly Report Final 3.9.2022 FINAL.pdf; Administrator Weekly Report Final 3.9.2022 FINAL.docx

Hello Administrator Regan and colleagues,

Attached, please find the Administrator's Weekly Report (in both PDF and Word), which includes programs and regional office updates for the week ending March 9, 2022.

Sincerely,

Neshawne Gibson
Office of the Administrator
US Environmental Protection Agency
Phone: (202) 566-1957
Mobile: (202) 603-7617

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- **Homestake Mining Company Superfund Site, Grants, New Mexico:** On **March 11**, R6 will meet with the new Acoma Pueblo Governor and his administration to discuss the Homestake site and provide a status update on site activities.
- **Lavaca Bay Alcoa Superfund Site, Point Comfort, Texas:** On **March 4**, EPA met with US Army Corps of Engineers to discuss the proposed Matagorda Ship Channel Improvement Project (MSCIP), which may impact contaminated sediments associated with the Lavaca Bay Alcoa site.
- **March 10:** Texas Water Conservation Association Annual Convention, Fort Worth, Texas
- **March 17:** Matagorda Ship Channel Improvement Project visit, Matagorda, Texas

Region 7

Hot Topics

- The EPA received two separate congressional letters regarding progress at the West Lake Landfill Superfund site and requesting briefings or public meetings. The first letter, dated **February 23**, was addressed to Administrator Regan, and signed by Senators Hawley and Blunt, and Representative Wagner. The second letter, dated **February 28**, was addressed to Regional Administrator McCollister, and signed by the Mayor of Bridgeton, Missouri and by Representative Wagner. R7 is corresponding with Representative Bush's office regarding briefings and coordinating internally on responses and a longer-term communication strategy.
- On **March 1-3**, the Madison County Health Department (MCHD) in Missouri participated in the National Leadership Academy for Public Health training. MCHD had applied for and was selected for this training opportunity. The training assists in advancing leadership skills and achieving health equity in communities. A MCHD Roundtable Team included two MCHD representatives, one Missouri Department of Health and Senior Services representative, and one R7 representative. The Team is focused on enhancing Lead Exposure Prevention for communities near the Madison County Mines Superfund Site.
- On **March 4**, Regional Administrator McCollister met with Clean Air Now and eight community representatives from the Argentine, Armourdale, and Turner communities to listen to their concerns regarding local community environmental concerns. She spent over two hours touring neighborhoods and meeting with community members. RA McCollister made commitments to work with the states of Kansas and Missouri to increase compliance reviews in the area. The community members and EPA have agreed to develop an action plan moving forward, and R7 has been invited to meet with Kansas City, Kansas Mayor Tyrone Garner regarding his Task Force on Environment and Sustainability.
- On **March 7**, Deputy Regional Administrator Chu and R7's Office of Tribal Affairs Director Deborah Bredehoft visited with the Ponca Tribe to further R7's commitment to conduct in-person visits with all our tribes.

Region 8

Regional Administrator Signature Items

- **Week of March 7:** Montana redesignation of Thompson Falls and Whitefish nonattainment areas to attainment for PM₁₀ (R8 POC: Scott Jackson, jackson.scott@epa.gov, 303-312-6107)
- **Week of March 7:** Colorado's Revisions to its New Source Review Permitting and Air Pollution Emission Notice Programs. (R8 POC: Scott Jackson, jackson.scott@epa.gov, 303-312-6107)

Hot Topics

- On **February 25**, the Montana Bureau of Environmental Review voted 6 to 2 that MT's selenium criterion for Lake Koocanusa is more stringent than "the comparable federal regulations or

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- **On March 3**, R8 issued a final CERCLA Off-Site Rule Notice of Unacceptability letter to Energy Fuels Resources (USA) Inc. for the White Mesa Mill in Utah and met with representatives of Congressman Curtis, Senator Lee, and Senator Romney, to discuss EPA's issuance of the letter. The letter upholds EPA's initial finding of noncompliance with Subpart W but reverses the finding that the violation was egregious. The Region will continue to work closely with UDAQ to develop a plan to bring the White Mesa Mill back into compliance.

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Message

From: EPA Office of Public Affairs [epa@BulletinIntelligence.com]
Sent: 8/10/2021 10:59:56 AM
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Today's Table of Contents

Air

- Regan Sees Need For More Enforceable Air Regulations In Texas. (Inside EPA)

Brownfields/Superfund/Other Cleanups + Redevelopment

- Judge Sanctions EPA Over Lost Evidence In Gold King Mine Trial. (Inside EPA)

- EPA Ordered To Update Rules For Chemicals Used In Offshore Oil Spills. (AP)
- Democrats Want Bonding Reform Included In Abandoned Well Cleanup Effort. (E&E Publishing)

Climate Change

- UN Panel Releases Climate Change Report. (Reuters)
- EPA GHG Proposal "Building Block" For EV Adoption. (Inside EPA)
- IPCC Warns Of Worsening Climate Change Impacts. (AP)
- Phillips 66 Acquires Stake In Australian EV Battery Firm. (Reuters)
- Truck Operators To Test Startup's Carbon-Capture Technology. (Wall Street Journal)
- BP Agrees To Buy RNG From Project In Iowa. (Bloomberg)
- Bloomberg NEF: EVs To Cut Into Oil Demand, But It Will Take A While. (Bloomberg New Energy Finance)
- USW Exec Calls For Decarbonization Projects To Be Part Of Contract Proposals With Refineries, Petrochem Plants. (Reuters)
- Sustainable Mining An Urgent Issue That Can't Be Delayed. (Global Mining Review)

Editorial/Op Ed/Commentary/Letters

- Editorial: Congress Should Raise The Federal Gas Tax. (Baltimore Sun)
- Baker: Focus On Climate Alarmism Shows Decline In Journalistic Standards. (Wall Street Journal)

Energy Issues

- West Deer Residents Oppose Proposed Gas Well Pad. (Pittsburgh Post-Gazette)
- Cenovus Chief Urges Trudeau To Pay For Greening Of Canada's Oil Sands. (Financial Times)
- Flaring At Chevron's El Segundo Refinery Lights Up Sky. (Los Angeles Times)

HQ Amplification

- Waterhouse May Face Senate Questioning On Racial Positions. (Fox News)

Toxics

- NAS Meeting Will Look At Treating PFAS Exposure, PPE Use. (Inside EPA)
- Sen Markey Introduces Bill For \$52B EPA School Cleanup Program. (Inside EPA)

Water

- Environmentalists, States Sue To Make EPA Hold NY, PA To Chesapeake Plan. (Inside EPA)
- Report Says Drinking Water State Revolving Fund May Face Racial Disparities. (E&E Publishing)

Limetree Bay Refinery

- Lenders Decide Not To Reduce Loan Amount To Limetree Holdings. (Bloomberg BNA)

Air

Regan Sees Need For More Enforceable Air Regulations In Texas.

Inside EPA (8/9) reports, "EPA Administrator Michael Regan in recent decisions has twice faulted Texas air regulators for their failure to ensure state-issued air quality permits are fully enforceable but the instant disputes did not present an opportunity for the agency to address environmentalists' broader calls to reverse a Trump-era policy of deferring to state permit decisions."

[Back to top ▲](#)

Brownfields/Superfund/Other Cleanups + Redevelopment

Judge Sanctions EPA Over Lost Evidence In Gold King Mine Trial.

Inside EPA (8/9) reports, "A federal judge has sanctioned EPA for failing to preserve electronic data from two key witnesses to the Gold King Mine spill, allowing New Mexico and a tribe to introduce evidence of the data loss at trial and allowing additional briefing on whether the court should instruct the jury the lost evidence would have been unfavorable to EPA."

EPA Ordered To Update Rules For Chemicals Used In Offshore Oil Spills.

The AP (8/10) reports a judge in the US District Court for the Northern District of California ruled Monday that the EPA "delayed unreasonably" finalizing draft regulations to update 1994 rules on dispersal chemicals used in offshore oil spills. It set a May 31, 2023, deadline "to take final action on listing and authorizing the chemicals." The decision comes in response to a suit filed last year by environmental groups and two individuals and was "spurred by the Deepwater Horizon spill in 2010," where, according to environmental groups, "people, including children and first responders" were "exposed to the dispersion chemicals," and "suffered sometimes serious health problems."

Democrats Want Bonding Reform Included In Abandoned Well Cleanup Effort.

E&E Publishing (8/9) reports, "Lawmakers are poised to make a historic investment to clean up abandoned oil and gas wells, but the \$4.7 billion fund tucked into the bipartisan infrastructure proposal is missing a key reform sought by some Democrats," who want "increased bonding on federal oil and gas development and for pressure on states to shore up their bonding regulations in return for federal dollars." Bonding reform advocacy is "part of an attempt to stop abandoned wells from costing taxpayers in the future by ensuring that industry secures the cost of reclamation up front. Risk of abandonment will grow in the coming years, advocates say, especially as the world shifts toward cleaner fuels."

[Back to top ▲](#)

Climate Change

UN Panel Releases Climate Change Report.

Reuters (8/9, Chestney, Januta) reports that the United Nations panel on climate change “told the world on Monday that global warming was dangerously close to being out of control – and that humans were ‘unequivocally’ to blame. Already, greenhouse gas levels in the atmosphere are high enough to guarantee climate disruption for decades if not centuries, the report from the scientists of the Intergovernmental Panel on Climate Change (IPCC) warned.” Reuters adds, “In other words, the deadly heat waves, gargantuan hurricanes and other weather extremes that are already happening will only become more severe.”

However, the AP (8/9, Borenstein) says the “scientists also eased back a bit on the likelihood of the absolute worst climate catastrophes.” The AP adds, “While calling the report ‘a code red for humanity,’ U.N. Secretary-General Antonio Guterres kept a sliver of hope that world leaders could still somehow prevent 1.5 degrees of warming, which he said is ‘perilously close.’” According to the AP, “In the report’s worst-case scenario, the world could be around 3.3 degrees Celsius (5.9 degrees Fahrenheit) hotter than now by the end of the century. But that scenario looks increasingly unlikely, said report co-author and climate scientist Zeke Hausfather.” The New York Times (8/9, Plumer, Fountain), the Washington Post (8/9, A1, Dennis, Kaplan), and Politico (8/9, Colman, Mathiesen) have more on the UN climate change report.

EPA GHG Proposal “Building Block” For EV Adoption.

Inside EPA (8/9) reports, “EPA says its new vehicle greenhouse gas proposal could double sales of electric vehicles (EVs) in 2026 even though the bulk of the plan’s benefits come from fuel-saving technology in conventional vehicles, with the agency calling the measure a ‘building block’ for more sweeping deployment of zero-emission vehicles (ZEVs). The draft plan, however, also tees up comment on whether to specifically strengthen standards in model year 2026 – a move that could account for faster-than-expected deployment of battery electric vehicles.”

IPCC Warns Of Worsening Climate Change Impacts.

The AP (8/9, Borenstein) reports in continuing coverage that United Nations’ Intergovernmental Panel on Climate Change (IPCC) predicted in a report on Monday that global temperatures will rise above levels that global leaders have sought to prevent in about a decade. IPCC report co-chair Valerie Masson-Delmotte said, “Our report shows that we need to be prepared for going into that level of warming in the coming decades. But we can avoid further levels of warming by acting on greenhouse gas emissions.”

S&P Global Platts (8/9, Burgess) reports the IPCC “said the global temperature increase was expected to reach 1.5 C over pre-industrial levels in the next 20 years, and showed that greenhouse gas emissions from human activities were already responsible for around 1.1 C of warming since 1850-1900.” In the report, scientists wrote, “For 1.5 C of global warming, there will be increasing heat waves, longer warm seasons and shorter cold seasons. ... At 2 C of global warming, heat extremes would more

often reach critical tolerance thresholds for agriculture and health.” The IPCC “said that a pathway to limiting global warming to below 1.5 C was still available, with massive cuts to CO₂, methane and other greenhouse gas emissions needed in this decade and beyond.” Bloomberg (8/9, Rathi) reports IPCC report lead author Piers Forester said its “particularly important to reduce methane emissions in the next 10 years.”

Bloomberg (8/9) reports in video coverage that IPCC’s report is the first major scientific assessment to cast doubt on whether the world can achieve the goals of the Paris Climate Agreement.

Reuters (8/9, Chestney, Januta) reports that in a tweet on Monday, President Biden said, “We can’t wait to tackle the climate crisis. The signs are unmistakable. The science is undeniable. And the cost of inaction keeps mounting.” UN Secretary-General António Guterres called the IPCC’s report a “code red for humanity.” UK Prime Minister Boris Johnson said he hopes the IPCC’s report will be “a wake-up call for the world to take action now, before we meet in Glasgow.” Bloomberg (8/9, Shankleman) reports in another article that the IPCC’s report could inform the climate talks at the upcoming COP26 summit in Glasgow, Scotland.

ABC News (8/9) reports Energy Secretary Jennifer Granholm said in a video interview said the IPCC’s report shows that countries around the world needs to take bold action to limit the impacts of climate change.

The Conversation (8/9) provides additional coverage.

Congressional Democrats Release Memo On Budget Reconciliation Bill After IPCC’s Report Is Released. The Hill (8/9, Frazin) says Congressional Democrats released a memo on Monday after the release of the IPCC’s report detailing the climate change mitigation policies – including incentives for the power sector to switch to clean energy, tax breaks for clean energy, and pollution fees for imports – they plan to include in their \$3.5 trillion budget reconciliation bill. In a speech, Sen. Majority Leader Chuck Schumer (D-NY) said, “Without immediate and bold action, we are staring down ever-worsening floods and heat waves, droughts, and sea level rise.” Schumer added that the “budget reconciliation bill will do more to combat climate change than any legislation ever...in the history of the Senate.” Sen. Dick Durbin (D-IL) called the IPCC’s report an “alarm bell to the world” and said the budget reconciliation bill is a key weapon in the fight against climate change.

Editorial: IPCC Report Demonstrates Need For Congress To Address Climate Change. USA Today (8/9) says in an editorial that the IPCC’s report demonstrates the need for Congress to take action to address climate change. USA Today says these actions could include the federal investment and support for clean energy in addition to the implementation of a fully refundable carbon tax and a federal clean energy standard. USA Today concludes, “These are drastic legislative steps. But drastic times call for them.”

Day: IPCC Report Demonstrates Need For Infrastructure Investors To Consider Climate Change Impacts. Forbes (8/9) contributor Rob Day says the IPCC’s report demonstrates the need for infrastructure investors to consider the impact climate change will have on economies and infrastructure. Day concludes, “Infrastructure investors need to make sure they are not thinking about this in a siloed way – climate change as strictly a powergen issue, with other infrastructure categories still business as usual as if they won’t also be impacted. And investors also should be thinking about ways their strategies and allocations could better incorporate distributed, flexible and resilient approaches.”

Marks: IPCC Report Shows Risks World Faces From Climate Change. In an op-ed in *Forbes* (8/9), Milbank LLP Partner Allan Marks says the IPCC's report outlines the dangers the world faces from climate change and methods world can use to mitigate its impacts. Marks concludes that "thanks in no small part to that research and the massive public and private investment it facilitates, we have the power to alter the present course, to prevent the worst outcomes, and through collaboration and innovation to invest in ways that make the world both more sustainable and more resilient."

Phillips 66 Acquires Stake In Australian EV Battery Firm.

Reuters (8/9, McWilliams) reports Phillips 66 this week "said it invested \$150 million to buy a 16% stake in Novonix Ltd, an Australian company that processes refinery byproducts into synthetic graphite for EV batteries." This comes as executives say Phillips 66 is considering a moving toward the development of electric vehicle battery components and storage systems. Phillips 66 CEO Greg Garland said Monday that the "U.S. refining business in the future is going to be smaller, not bigger." Phillips 66 COO Mark Lashier said, "We want to play a larger role in the value chain. ... We are still looking at the entire chain and how to best integrate that."

Truck Operators To Test Startup's Carbon-Capture Technology.

The *Wall Street Journal* ([Request Article](#)) (8/9, Chernova) reports several heavy-duty truck operators, including Ryder System Inc. and Cargill Inc., are hoping a startup currently in its infancy can help their industry reduce carbon emissions. The companies "are planning to test a mobile carbon-capture system in development by Echeneidae Inc., which does business as Remora" later this year. Remora's device can capture as much as 80% of emitted carbon from the tailpipes of 18-wheelers.

BP Agrees To Buy RNG From Project In Iowa.

Bloomberg (8/9, Minnard) reports renewable natural gas (RNG) provider Gevo Inc. said in a statement on Monday that BP has agreed to buy RNG from Gevo's RNG project in Iowa, which will derive the gas from cow manure. The gas produced "by the Gevo project will be sold in California under agreements between BP and Clean Energy Fuels., which operates RNG fueling infrastructure, to take advantage of the state's low carbon fuel standard program."

Bloomberg NEF: EVs To Cut Into Oil Demand, But It Will Take A While.

Bloomberg New Energy Finance (8/9) reports, "As demand for road fuels like gasoline and diesel recovers post-pandemic in markets such as the U.S. and Spain, long-term road fuel demand is set to drop dramatically, according to BloombergNEF." Road fuel demand is expected to peak in 2027, but "the impact of advancements is not materially felt until almost a decade later." Efficiency improvements are expected to disrupt growth before 2030, while alternative drivetrains and autonomous vehicles will cut into road fuel use in the longer term. Emissions are expected to roughly halve by 2050, "but the sector gets nowhere near net zero." By the 2050s, "fossil-derived road fuel demand falls below levels last seen in the early 1970s." Oil-related emissions are expected to "drop to 3.4 gigatons CO2 by 2050, down from almost 6.5Gt in 2019."

USW Exec Calls For Decarbonization Projects To Be Part Of Contract Proposals With Refineries, Petrochem Plants.

Reuters (8/9, Staff) reports United Steelworkers (USW) International President Thomas Conway on Monday “called...for refinery and chemical plant workers to include decarbonization as part of contract proposals to be made to U.S. oil companies in January.” Conway told attendees of the USW national oil bargaining policy conference that decarbonization projects are more properly seen as necessary capital investment programs. He explained, “Here sits the capital investment program that we need to keep our refineries up and running and keep the pressure off of them from the communities that would otherwise shut them down.”

Sustainable Mining An Urgent Issue That Can’t Be Delayed.

Global Mining Review (UK) (8/9, Owen) reports, “The next 10 years are crucial in the fight against climate change, resource scarcity, and environmental damage.” The pressure is on “mining, minerals, and metals organisations to adopt sustainable practices, while also supplying the critical resources needed to support a more sustainable and greener world.” The resources industry’s “historic impact on the environment is clear, with 4 – 7% of global greenhouse gas (GHG) emissions coming from mining alone.” But “without a sustainable resources industry, global efforts to reduce CO2 emissions will be difficult.” Essential industries “can support global sustainability goals by: Identifying and eliminating energy and water loss; Optimising operations across the value chain; Improving operational efficiency and reducing resource waste; Minimising emissions by optimising renewable power and leveraging microgrids; Fostering a circular economy and green products with new carbon zero processes.”

[Back to top ▲](#)

Editorial/Op Ed/Commentary/Letters

Editorial: Congress Should Raise The Federal Gas Tax.

The Baltimore Sun (8/9) says in an editorial that Congress should raise the federal gasoline tax to compensate for inflation in order to raise funds for transportation infrastructure and to address climate change.

Baker: Focus On Climate Alarmism Shows Decline In Journalistic Standards.

Wall Street Journal (*Request Article*) (8/9, Baker) contributor Gerard Baker argues that journalists’ focus on climate alarmism and ideological purity on other issues has led to a decline in journalistic standards.

[Back to top ▲](#)

Energy Issues

West Deer Residents Oppose Proposed Gas Well Pad.

The *Pittsburgh Post-Gazette* (8/9, Johnson) reports, "Ahead of a public hearing this week, a group of concerned citizens is preparing hours-long statements opposing the construction in West Deer of a natural gas well pad for hydraulic fracturing." The West Deer Board of Supervisors will hear public comments Wednesday. After a presentation from Olympus Energy and public comments, "the board will vote to approve, approve with conditions, or deny the application." The decision "is required to be made within 45 days after the public hearing ends." Concerned Residents of West Deer is leading the opposition effort, as well as "efforts against Olympus Energy's proposed Leto gas well pad." Olympus Energy proposes to extract shale oil gas via hydraulic fracturing. An Olympus spokesperson "declined to comment, saying the company couldn't give a statement until after the public hearing is over."

Cenovus Chief Urges Trudeau To Pay For Greening Of Canada's Oil Sands.

The *Financial Times* (8/8) reports, "Canada's government should pay for up to 70 per cent of a proposed C\$75bn (\$60bn) project to decarbonise the country's controversial oil..."

Flaring At Chevron's El Segundo Refinery Lights Up Sky.

The *Los Angeles Times* (8/9, Ramsey) reports, "The night sky was illuminated Sunday in El Segundo during a flaring activity at the Chevron oil refinery after a compressor went down." Tall flames and plumes of dark smoke were "seen for miles around the facility, drawing multiple social media posts." A tweet from the city of El Segundo "assured residents that air monitoring had detected no danger outside of the refinery." The El Segundo Fire Department "was on the scene Sunday night monitoring the activity but was not needed, according to reports."

[Back to top ▲](#)

HQ Amplification

Waterhouse May Face Senate Questioning On Racial Positions.

Fox News (8/3, Keene) reports President Biden's nominee to serve as EPA deputy assistant administrator for land and emergency management, Carlton Waterhouse, "is expected to face tough questions on his past comments about civil rights laws and support for reparations set to faces the Senate soon during his confirmation hearing." Sen. Tom Cotton (R-AR) told Fox News in a statement, "Carlton Waterhouse is a political activist who supports fringe environmental and racist policies." Waterhouse told Fox News in a Monday email that he has made statements "noting that it was an unfortunate event that" civil rights legislation of the 1960s and 1970s "while impactful did not provide redress for the victims of historic Jim Crow discrimination."

[Back to top ▲](#)

Toxics

NAS Meeting Will Look At Treating PFAS Exposure, PPE Use.

Inside EPA (8/9) reports, the “National Academy of Sciences (NAS) will meet this week to advance projects looking at advice for clinicians on when and how to test for per- and polyfluoralkyl substances (PFAS) in patients as well as personal protective equipment (PPE) for public-safety workers, both topics of interest to EPA’s toxics office and its risk evaluators. And the National Association of Chemical Distributors (NACD) is hosting its annual training and education conference for the chemical distribution industry in San Antonio, TX.”

Sen Markey Introduces Bill For \$52B EPA School Cleanup Program.

Inside EPA (8/9) reports, “Sen. Ed Markey (D-MA) has introduced a revised version of a bill that seeks to create a new \$52 billion TSCA grant program at EPA to help states remove toxic substances from schools, floating the measure in the midst of debate about infrastructure funding though a Senate Democratic plan appears unlikely to allow for such a program.”

[Back to top ▲](#)

Water

Environmentalists, States Sue To Make EPA Hold NY, PA To Chesapeake Plan.

Inside EPA (8/9) reports, “Environmentalists and several Chesapeake Bay watershed states are continuing their litigation to force EPA to take stronger action to ensure New York and Pennsylvania meet 2025 cleanup goals for the bay even as the Biden EPA says New York has provided assurance it will meet its goals. EPA announced Aug. 6 that New York’s latest plan is projected to meet nutrient and sediment reduction targets contained in the EPA-developed Chesapeake Bay total maximum daily load (TMDL).”

Report Says Drinking Water State Revolving Fund May Face Racial Disparities.

E&E Publishing (8/9, Wittenberg, Northey) reports money from EPA Drinking Water State Revolving Fund “will largely fall into the hands of states unlikely to consider race or how accessible those funds are to struggling communities,” according to a report released by the University of Michigan Water and Climate Policy Lab. The report says “that, over the past decade, states have been less likely to spend program on smaller and more diverse communities,” and using the funds as loans, thus “providing fewer

grants than federal law allows, possibly boxing impoverished communities out of federal funding for water infrastructure improvements.”

[Back to top ▲](#)

Limetree Bay Refinery

Lenders Decide Not To Reduce Loan Amount To Limetree Holdings.

Bloomberg BNA (8/9, Church) reports Lenders have agreed to fund a \$25 million loan to Limetree Bay Holdings after saying they would only provide \$15 million “because the collateral backing the financing was not as valuable as they first believed.” Lender attorney Jason S. Brookner announced this change of course “after being questioned by U.S. Bankruptcy Judge David Jones in Houston” in a virtual hearing.

The Wall Street Journal ([Request Article](#)) (8/9, Scurria) and Law360 ([Request Article](#)) (8/9) also report.

[Back to top ▲](#)

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Today's Table of Contents

Administrator

- Regan Offers Outlook Regarding Forthcoming Greenhouse Regulation. (Politico Morning Energy)
- Biden Environmental Officials Partake In "Political Balancing Act" Regarding Climate Change, Dispatching Fossil Fuels To Europe. (Washington Post)

Air

- Appellate Judges Question Lawfulness Of “Sip Call” Rule. (Inside EPA)
- EPA Objects To Colorado’s Proposed Permit Renewal For Suncor Refinery. (Denver Post)
- Williamsville Central Schools Looking To Outfit Elementary Schools With Air Conditioning. (Buffalo News)
- Bay Area Air Quality Management District Failed To Inform Public About Unlawful Emissions For Several Years. (San Francisco Chronicle)
- EPA Issues Guidance Emphasizing Importance Of Indoor Air Quality In Preventing COVID-19. (New York Times)
- Florida Power & Light Plant Ends Up On Polluting Plant List. (Florida Times-Union)

Climate Change

- NYC-Sized Ice Shelf Collapses In East Antarctica. (AP)
- Fires Make Progress Against Boulder Wildfire. (USA Today)
- Ukraine War Upends Cooperation On Arctic Research. (Wall Street Journal)
- Experts: Aviation Difficulties Induced By High Temperatures Becoming More Prevalent Outside Of Hottest Locales Due To Global Warming. (USA Today)
- Research Highlights Increase In Fire Frequency In US. (Washington Post)
- USA Today Fact Checks Blog Post Asserting Einstein Paper Contradicts Notion CO2 Could Be Behind Climate Change. (USA Today)
- Granholm Speaks At International Energy Agency Meeting. (Politico)
- Climate Change Spurring Interest In “Resilient Design” To Storm-Proof Homes. (Washington Post)
- Analysis: Europe’s Pursuit Of Energy Independence Creates Friction With Climate Goals. (AP)
- \$1.5B Resort In Dubai To Host Forthcoming Climate Summit. (AP)
- Activists Demonstrate Against Climate Change, Ukraine War. (AP)
- USPS Increases EV Order, Though Experts Assert It’s Insufficient. (Popular Science)
- NYTimes Discusses How Artists Are Addressing Climate Change. (New York Times)
- Melting Ice, Russian Invasion Renew Disputes Over Rights To Arctic Reserves. (New York Times)

Editorial/Op Ed/ Commentary/Letters

- Columnist Criticizes Fresno County Board Of Supervisors Over Oil Production Resolution. (Fresno Bee)
- Harvard School Of Public Health Research Scientist, Oregon State Assistant Professor Warn About Potential Effects Of Biomass Utilization. (The Hill)
- LATimes Contributor: Schools’ “Paved-Over” Campuses Are An “Environmental Injustice.” (Los Angeles Times)
- Climate Change Research “Casualty Of The” Ukraine-Russia Conflict. (Denver Post)
- US SIF CEO: Disclosures Regarding Climate-Related Risks Will Assist Investors. (Wall Street Journal)

Energy Issues

- McCarthy Pledges To Tak “Colorblind” Approach To Commercializing Low-Carbon Hydrogen Fuel. (Inside EPA)
- Administration Unveils Wind Power Lease Sale Off Carolinas. (The Hill)

- Klobuchar, Craig Among Group Of Legislators Attempting To Strengthen US Energy Independence. (Minneapolis Star Tribune)
- Sacramento Bee Highlights How Nuclear Plant's Cooling System Has Affected Marine Life In Cove. (Sacramento Bee)

Environmental Justice

- Army Corps Of Engineers Mulling Alterations To CWA Permit. (Inside EPA)
- EJ Proponents: Screening Tool Has Issues Aside From "Failure To Account For Race." (Inside EPA)
- FERC Rolls Back Natural Gas Project Policies. (E&E Publishing)
- Proposed Trash Facility In Chicago Area Draws Criticism From Locals. (Belt Magazine)

Enforcement

- Various Industry Sectors Supporting EPA In Battle Against Push To Enhance "Corrosivity" Standard Under RCRA. (Inside EPA)
- Chemical Makers' Coalition Urges EPA To Amend, Not Revoke, Corrections Policy. (Bloomberg Law)

Rules/Regulations/Policy

- Glick's Future As FERC Chief Faces Uncertainty. (Politico)
- Manchin Signals He Wishes To Restart Discussions On Packaging Regarding Energy Policy. (Wall Street Journal)
- Washington State Transportation Package Includes Provision Banning New Non-EVs After 2030. (NBC News)

Sustainable and Healthy Communities

- Tribes, Environmentalist: Utah Uranium Mill Could Endanger Groundwater. (Arizona Republic)

Toxics

- Bipartisan Group Of House Legislators Pushing PFAS-Related Legislation. (Inside EPA)
- Report From Consumer Group Finds PFAS Chemicals In Certain Fast Food Wrappers From Popular Fast Food Chains. (The Hill)
- Vermont Officials Seeking More Time To Conduct School PCB Checks. (AP)
- Biden Administration Limiting Utilization Of Florida Migrant Detention Facility That Has Been Subject Of Various Allegations. (Miami Herald)

Water

- Group Sues US Officials Over Alleged Failure To Step In Following Reversal Of Water Pollution Rules By Montana Legislature. (AP)

ESG

- War In Ukraine Brings Defects In ESG-Investing Business To Light. (Wall Street Journal)

Top National Stories in Industry

- New US LNG Infrastructure To Be Convertible For Hydrogen Distribution, Says Biden Administration. (Bloomberg)
- White House Reportedly Mulling “Windfall” Tax On US Oil And Gas Producers. (Washington Post)

Limetree Bay Refinery

- EPA Warns Limetree Bay Refinery Owners They Might Have To Secure New “Prevention Of Significant Deterioration” Permit. (Virgin Islands Daily News)

Administrator

Regan Offers Outlook Regarding Forthcoming Greenhouse Regulation.

Politico Morning Energy (3/25, Choi) reported EPA Administrator Michael Regan “offered a cloudy outlook on the future of the Biden administration’s forthcoming greenhouse gas regulation, saying the upcoming Supreme Court ruling on EPA’s authority makes doing so ‘a tough call.’” To the American Council on Renewable Energy’s policy forum, Regan remarked, “I think we’re watching very closely and weighing all of our options.” Regan added, “Obviously, it’s our hope that the decision will stay on that more narrow side.” According to Politico, the Supreme Court “is considering a case challenging EPA’s authority on regulating power plants’ greenhouse gas pollution argued last month, with Republican states contending EPA had no authority to enact the kinds of wide-ranging carbon cuts that Democrats have sought.”

Biden Environmental Officials Partake In “Political Balancing Act” Regarding Climate Change, Dispatching Fossil Fuels To Europe.

The Washington Post (3/25) “Climate 202” newsletter reported the President’s “top environmental deputies engaged in a political balancing act on Thursday as they touted their commitment to tackling climate change while defending their immediate focus on sending fossil fuels to Europe.” The “officials, including White House national climate adviser Gina McCarthy and Environmental Protection Agency Administrator Michael Regan, boasted about Biden’s efforts to prioritize climate action to a room full of clean energy advocates in downtown Washington” on Thursday. McCarthy and Regan “were two of the keynote speakers at a policy forum hosted by the American Council on Renewable Energy.” Regan “argued that if the United States had deployed more clean energy, Americans would be more insulated from high gas prices sparked by Russian President Vladimir Putin’s invasion of Ukraine.”

[Back to top ▲](#)

Air

Appellate Judges Question Lawfulness Of “Sip Call” Rule.

In a partly paywalled article, *Inside EPA* (3/25) reported, “Federal appellate judges at March 25 arguments questioned the legality of EPA’s 2015 ‘SIP Call’ rule requiring 36 states to remove regulatory exemptions for periods of facility startup, shutdown and malfunction (SSM) from their air quality plans, possibly viewing state ‘affirmative defense’ provisions as unlawful, but appearing divided on other issues.”

In another partly paywalled article, *Bloomberg Law* (3/25) reported the D.C. Circuit “didn’t appear entirely convinced Friday that the EPA couldn’t direct states to revise their air pollution plans to remove exemptions for pollution released during startups, shutdowns, and malfunctions at facilities.”

EPA Objects To Colorado’s Proposed Permit Renewal For Suncor Refinery.

The *Denver Post* (3/26) reported the Environmental Protection Agency on Friday “objected to the state’s proposed operating permit renewal for the Suncor oil refinery in Commerce City and expressed concerns about how pollution from the facility impacts its low-income and mostly minority neighbors.” The Colorado Department of Public Health and Environment “has 90 days to respond to the EPA’s objections and then resubmit.”

Williamsville Central Schools Looking To Outfit Elementary Schools With Air Conditioning.

The *Buffalo (NY) News* (3/27) reports Williamsville Central Schools “wants to install air conditioning in its six elementary schools as the first phase of a project that would bring cool classrooms to all district schools.” The price tag comes out to \$62.7 million, and locals are to get an opportunity “to vote on the proposed capital project during the May 17 annual school board and budget elections.” The News adds that a 2018 National Bureau of Economic Research study revealed a link “between temperature and learning. Hotter school days in the years before students retook the PSATs reduced their scores.” The Environmental Protection Agency “said that indoor air quality, such as the level of pollutants, humidity and temperature, affect the occupants’ health, comfort and ability to perform.”

Bay Area Air Quality Management District Failed To Inform Public About Unlawful Emissions For Several Years.

The *San Francisco Chronicle* (3/25, Johnson) says that Valero Energy Corp.’s “fingerprints are all over” Benicia, “from its name on Little League baseball outfield signs to its logo on charitable donor lists.” The Chronicle also says that between 2003 and 2019, a Valero hydrogen stack emitted “an estimated average of 4,000 pounds of hydrocarbons each day – more than 266 times the 15-pound limit, according to the Bay Area Air Quality Management District.” A number of municipal leaders and locals “are irked by the district’s failure to alert the public when it discovered the extent of the violations in 2019. Instead, the district waited three years.” Bay Area Air Quality Management District Senior Deputy Executive Officer of Operations Damian Breen “said his agency notified Solano County health officials and the U.S. Environmental Protection Agency when it learned of the emissions and was focused on verifying the data and negotiating a response with Valero.” Moreover, Breen “said not alerting the public was a mistake.”

EPA Issues Guidance Emphasizing Importance Of Indoor Air Quality In Preventing COVID-19.

On a live updates page, the *New York Times* (3/27, Hassan) reports that “with the pandemic entering a new phase in the United States marked by fewer precautions and the rise of the even more transmissible Omicron subvariant BA.2, the Biden administration has begun stressing the importance of mitigating the risk of indoor aerosol transmission.” The Environmental Protection Agency “recently issued expert guidance to building managers, contractors and business owners, with two pages of recommendations that codify the best practices on ventilation, air filtration and air disinfection from academic experts and federal agencies of the last two years.” Moreover, the EPA “said that implementation could be underwritten with federal funds from the \$1.9 trillion American Rescue Plan.” White House Office of Science and Technology Policy head Dr. Alondra Nelson “said last week the guidance was part of an initiative called the Clean Air in Buildings Challenge.”

Florida Power & Light Plant Ends Up On Polluting Plant List.

Regarding the West County Energy Center, “a natural gas-burning plant” located on Wellington’s outskirts, the *Florida Times-Union* (3/28) says, “The plant is part of a fleet of new-era power generators often cited by the state’s largest utility as jewels in its transition to modern, clean energy. With these facilities,” Florida Power & Light “replaced inefficient 20th-century coal plants and weaned itself off foreign imported oil.” Nonetheless, though, the plant wound up “on a list of polluting electric plants that included plenty of old-school coal power plants.” The *Times-Union* also says that “carbon dioxide is the main greenhouse gas emitted by human activities, according to the Environmental Protection Agency.”

[Back to top ▲](#)

Climate Change

NYC-Sized Ice Shelf Collapses In East Antarctica.

The AP (3/25, Borenstein) reported, “An ice shelf the size of New York City has collapsed in East Antarctica, an area long thought to be stable and not hit much by climate change, concerned scientists said Friday.” The event amounted to the first instance “in human history” in which “the frigid region had an ice shelf collapse.” The collapse occurred at the start “of a freakish warm spell last week when temperatures soared more than 70 degrees (40 Celsius) warmer than normal in some spots of East Antarctica.” Also reporting were the *New York Times* (3/25, Fountain), *USA Today* (3/25), and *The Hill* (3/25, Dress).

Fires Make Progress Against Boulder Wildfire.

USA Today (3/27) reports, “Fire crews gained ground Sunday on a fast-moving wildfire that burned within 1,000 yards of homes a day earlier in Boulder, Colorado.” The “blaze, which forced 19,400 residents to flee Saturday, was 21% contained Sunday morning, and most evacuation orders were lifted.” The location of the inferno is not a significant distance “from the location of a blaze that destroyed more than 1,000 homes last year.” The blaze evoked unpleasant “memories for some residents such as

Alicia Miller, who lost her home during the blaze in 2021.” Miller “posted a photo on Twitter and referred to climate change, which has made the U.S. West warmer and drier in the past 30 years and will continue to make weather more extreme and wildfires more destructive, according to scientists.” Also reporting are the AP (3/27) and the New York Post (3/27).

Ukraine War Upends Cooperation On Arctic Research.

The Wall Street Journal (*Request Article*) (3/26, Subbaraman) reported the war in Ukraine has derailed international collaboration on research into climate change in the Arctic as many Western scientists and scientific organizations sever ties with Russian counterparts and cancel meetings or expeditions in Russia or Russian waters.

Experts: Aviation Difficulties Induced By High Temperatures Becoming More Prevalent Outside Of Hottest Locales Due To Global Warming.

USA Today (3/27) says that when temperatures are scorching, planes have difficulty getting into the air “and airports can shut down. It’s already happening in the world’s hottest places, and experts say it’s becoming increasingly common elsewhere as a consequence of global warming.” Embry-Riddle Aeronautical University professor Bijan Vasigh remarked, “This is happening more, it’s not an anomaly anymore.” USA Today also says, “The average heat wave in major U.S. urban areas is now four days long, a day longer than the 1960s, according to the Environmental Protection Agency.”

Research Highlights Increase In Fire Frequency In US.

The Washington Post (3/27) reports, “In the journal Science Advances, a team of environmental scientists found that fire frequency has tripled in some parts of the United States – and that in the 2000s, wildfires grew up to four times the size of fires in previous decades.” The research reveals that since 2005, fire frequency increased throughout the country. In the “East and West, fires became twice as frequent, and they became four times as frequent in the Great Plains. As frequency grew, so did acreage, with the average size ballooning.” These fires contrasted from prior ones in that they were larger and had a greater likelihood of happening together. Moreover, the regions vulnerable to fire increased “along with fire frequency.” The “team attributes the change to drought, but humans are also to blame: Human-caused climate change has dried out many areas, and 84 percent of the fires were started by humans and not other factors such as lightning strikes.”

USA Today Fact Checks Blog Post Asserting Einstein Paper Contradicts Notion CO2 Could Be Behind Climate Change.

USA Today (3/25) reported that “some social media users are sharing a blog post that claims a 1917 paper by physicist Albert Einstein contradicts the idea that CO2 could drive climate change.” USA Today went on to discuss how the assertion is false.

Granholm Speaks At International Energy Agency Meeting.

Politico (3/25, Tamborrino) reported Energy Secretary Jennifer Granholm “told global energy leaders Wednesday they needed to move fast to address the oil and gas crisis sparked by Russia’s invasion of Ukraine while also staying focused on building a clean energy economy to fight the threats from climate change.” Politico added, “Increasing alternative oil and gas supplies and the international push to

transition to clean energy is 'not a binary choice,' she told an audience at the International Energy Agency's ministerial meeting in Paris." Granholm added, "Both crises need addressing now." Moreover, Politico also said the meeting was occurring as the President was readying to convene "with NATO leaders to increase pressure on Moscow and maintain a unified front to confront Russia for its war against Ukraine."

Climate Change Spurring Interest In "Resilient Design" To Storm-Proof Homes.

The *Washington Post* (3/25) reported that extreme weather-resistant homes features are becoming increasingly sought, what experts refer to as "resilient design." Illya Azaroff, a founding principal of +LAB architects and an associate professor at New York City College of Technology, says, "A resilient home is one that's built for the future after an assessment of current and predicted risks." Alex Wilson, president of the Resilient Design Institute, comments, "Resilient design can have multiple benefits, including sustainability...The elements of resilient design, such as higher insulation levels, stronger windows, passive solar power and natural daylight that will help homeowners survive power outages, extreme heat and extreme cold, also save energy and mitigate climate change."

Analysis: Europe's Pursuit Of Energy Independence Creates Friction With Climate Goals.

The AP (3/27, Jordans, Parra) reports in an analysis that Europe's pursuit of energy independence "means friction between security and climate goals, at least in the short term." The continent's efforts to reduce Russian energy imports means it "will need to burn more coal and build more pipelines and terminals to import fossil fuels from elsewhere." Meanwhile, the European Union has "pledged to reduce carbon dioxide emissions by 55% compared with 1990 levels by 2030, and to get to net zero emissions by 2050." Bruegel energy expert George Zachmann said Europe's energy shift from Russia will mean "a slight increase" in emissions, but "long term, the effect will be that we will see more investment in renewables and energy efficiency in Europe."

\$1.5B Resort In Dubai To Host Forthcoming Climate Summit.

The AP (3/26, Batrawy) said the Middle East "is the most water-scarce region in the world, but participants at an upcoming climate summit in Dubai will be ensconced in a resort with one of the world's largest water parks, complete with artificial lagoons, encounters with dolphins and a mesmerizing aquarium with sharks, sting rays and schools of fish." The AP added that "when people gather for MENA Climate Week, they'll be exchanging business cards and ideas in the underwater-themed halls of Dubai's landmark Atlantis hotel, a \$1.5 billion resort." The Atlantis "is built on a man-made island so big it can be seen from space."

Activists Demonstrate Against Climate Change, Ukraine War.

The AP (3/25, Jordans) reported, "Climate activists staged a 10th series of worldwide protests Friday to demand that leaders take stronger action against global warming, with some linking their environmental message to calls for an end to the war in Ukraine." The Fridays for Future movement "called demonstrations from Indonesia to Europe and the United States." Roughly 300 demonstrations "were planned in Germany," with the AP adding that "thousands of mostly young people, many carrying

Ukraine's yellow and blue national flag, marched through Berlin's government district to the Brandenburg Gate." Among the persons speaking at the Berlin event were a pair of "young Russian activists, who denounced their government's actions in Ukraine." Polina Oleinikova said to the AP, "There are a lot of Russian people who are against (Russian President Vladimir) Putin, and they do not support what Putin is doing."

USPS Increases EV Order, Though Experts Assert It's Insufficient.

Popular Science (3/25) reported that "on Thursday, the United States Postal Service said that it was proceeding with an initial order for 50,000 new delivery vehicles." In a break from its prior position, though, USPS "said that 20 percent of those new vehicles would be electric," whereas it "had said that they planned for only 10 percent of these new rides to be battery-powered." Popular Science added, "However, energy and environmental experts argue that electrifying just 20 percent of the fleet is a missed opportunity, both financially and environmentally." The "saga of the USPS's plan to procure new vehicles intensified when it released a final environmental impact statement in December of last year." A letter from the EPA described "the USPS's final environmental impact statement as 'seriously deficient.'"

NYTimes Discusses How Artists Are Addressing Climate Change.

A more than 3,000-word New York Times (3/25, Lescaze) story discussed how artists are addressing climate change, with the Times saying that "support for environmentally conscious art is surging."

Melting Ice, Russian Invasion Renew Disputes Over Rights To Arctic Reserves.

The New York Times (3/27, A1, Baker) reports, "Melting sea ice has opened new shipping pathways, and nations have eyed the vast hydrocarbon and mineral reserves below the Arctic sea floor. As a result, the complicated treaties, claims and boundary zones that govern the region have been opened to fresh disputes." With "the geopolitical order shifting after Russia's invasion of Ukraine, the competition over sovereignty and resources in the Arctic could intensify." While the US "has denounced Russia's aggressive military expansion in the Arctic, the Pentagon has its own plans to increase its presence and capabilities, working to rebuild cold-weather skills neglected during two decades of war in Iraq and Afghanistan."

[Back to top ▲](#)

Editorial/Op Ed/ Commentary/Letters

Columnist Criticizes Fresno County Board Of Supervisors Over Oil Production Resolution.

In a Fresno (CA) Bee (3/25) column, Mark Warszawski voiced criticism of the Fresno County Board of Supervisors over a "stunt" entailing a unanimously authorized resolution urging further "domestic oil production, including right here in Fresno County, followed by a press conference in which they doubled down on their terrible idea." Heightened oil production in the county contravenes "the EPA's recent

rejection of the San Joaquin Valley Air Pollution Control District's attainment plan for fine particulates known as PM 2.5s, the ones linked to a myriad of deleterious health effects."

Harvard School Of Public Health Research Scientist, Oregon State Assistant Professor Warn About Potential Effects Of Biomass Utilization.

In an op-ed on The Hill's (3/27) website, Harvard T.H. Chan School of Public Health research scientist Jonathan Buonocore, Sc.D. and Oregon State University assistant professor Parichehr Salimifard, Ph.D., write, "Even as Congress declares that biomass is carbon neutral, burning it puts thousands of lives at risk." Legislators, in a \$1.5 trillion spending measure which Congress not long ago passed, "codified a declaration that biomass taken from forests is 'carbon neutral.'" Buonocore and Salimifard add, "Putting aside the many questions and conditions that need to be met in order for this to be true and the potential impacts on biodiversity, encouraging the use of biomass for energy will increase air pollution, public health impacts and environmental justice issues around the siting of these facilities."

LATimes Contributor: Schools' "Paved-Over" Campuses Are An "Environmental Injustice."

Los Angeles Times (3/27) editorial writer Tony Barboza discusses how, at schools throughout Los Angeles, "children are forced to learn and play in paved-over, fenced-in and often treeless campuses that draw apt comparisons to prison yards or parking lots. These conditions are detrimental to learning, health and well-being, and especially harmful because they are so common in the same low-income communities of color that already suffer from a lack of tree canopy, park space and higher exposure to heat and pollution." Alberto Carvalho, who recently became LA Unified's superintendent, "has promised to release a plan within his first 100 days to green schoolyards." The "commitment is welcome, but it shouldn't have taken new leadership to pay attention to this obvious problem." Barboza also writes, "It's not just a matter of aesthetics, but educational opportunity and environmental justice."

Climate Change Research "Casualty Of The" Ukraine-Russia Conflict.

In a Denver Post (3/26) column, Ved Nanda wrote that "the impact of the war" between Ukraine and Russia "on the future of the Arctic region has gone mostly unnoticed by the general public. The immediate concern is that the Arctic Council, the intergovernmental body established as a forum for regional cooperation and Arctic governance, is presently chaired by Russia, so the crippling sanctions have halted all work being done under the Council's auspices." Nanda added that climate change research is a significant "casualty of the" conflict. Russia "accounts for half the Arctic landmass and much of the world's permafrost, so what has come to a halt is the Arctic-wide monitoring by a consortium of permafrost scientists to collect and evaluate crucial data on the region's warming."

US SIF CEO: Disclosures Regarding Climate-Related Risks Will Assist Investors.

In a Wall Street Journal ([*Request Article*](#)) (3/27) letter, US SIF CEO Lisa Woll writes that the SEC is inside its authority to mandate that firms publicly divulge climate-related risks, and asserts that the disclosures are going to assist investors.

[Back to top ▲](#)

Energy Issues

McCarthy Pledges To Tak “Colorblind” Approach To Commercializing Low-Carbon Hydrogen Fuel.

In a partly paywalled article, *Inside EPA* (3/25) reported, “A top White House climate advisor is pledging to take a ‘colorblind’ approach to commercializing low-carbon hydrogen fuel that can be used in a variety of manufacturing and other sectors, arguing the most important factor in supporting a given production process should be its lifecycle greenhouse gas footprint.” *Inside EPA* added, “The remarks from White House domestic climate chief Gina McCarthy appear to be sidestepping debates over the optimal feedstock for making hydrogen.”

Administration Unveils Wind Power Lease Sale Off Carolinas.

The Hill (3/25, Budryk) reported the Biden Administration on Friday “announced the first offshore wind energy lease sale off the coast of the Carolinas, part of a broader goal of installing 30 gigawatts of offshore wind power.” The Bureau of Ocean Energy Management “will auction off the two lease areas, which cover 110,091 acres in the Carolina Long Bay, on May 11.”

Klobuchar, Craig Among Group Of Legislators Attempting To Strengthen US Energy Independence.

The *Minneapolis Star Tribune* (3/26) reported Sen. Amy Klobuchar (D-MN) and Rep. Angie Craig (D-MN) “are among a bipartisan group of lawmakers trying to boost American energy independence amid a ban on Russian energy imports.” The Home Front Energy Independence Act “focuses on E15 – a blend of gasoline and ethanol. Provisions include establishing a tax credit for selling or blending E15, directing the Environmental Protection Agency (EPA) to finalize its rule for E15 fuel dispenser labels and providing grants for local biofuel production and infrastructure.”

Sacramento Bee Highlights How Nuclear Plant’s Cooling System Has Affected Marine Life In Cove.

The *Sacramento (CA) Bee* (3/25) discussed how the cooling system of PG&E’s Diablo Canyon nuclear power plant has affected marine life in a cove known as Diablo Cove which is located at the plant’s base. In the “early years of environmental monitoring and the plant’s operation, PG&E was accused of withholding certain data showing the impacts the once-through cooling system was having on marine life.” A letter for PG&E to the U.S. Nuclear Regulatory Commission during 1997 reads, “The Regional (Water Quality Control) Board, through the California State Attorney General’s office, along with the U.S. Department of Justice on behalf of the U.S. Environmental Protection Agency (EPA), has been conducting an investigation concerning whether PG&E’s failure to include certain data in its reports on the intake structure constituted a violation of the NPDES permit.”

[Back to top ▲](#)

Environmental Justice

Army Corps Of Engineers Mulling Alterations To CWA Permit.

In partly paywalled coverage, *Inside EPA* (3/25) reported the Army Corps of Engineers “is weighing whether it should modify provisions of a Clean Water Act (CWA) dredge-and-fill general permit for oil and gas pipelines before the permit expires in 2026 in order to better address Biden administration priorities such as environmental justice (EJ) and impacts to the climate and drinking water.” *Inside EPA* also said that “the Corps’ planned review of nationwide permit 12 (NWP 12)” is slated for commencement “in a March 28 Federal Register notice.”

EJ Proponents: Screening Tool Has Issues Aside From “Failure To Account For Race.”

In a partly paywalled article, *Inside EPA* (3/25) reported that according to environmental justice (EJ) proponents, the beta edition “of the White House screening tool for prioritizing EPA and other funding for disadvantaged communities includes a host of problems beyond its failure to account for race, warning that the indicators in the tool and the data supporting them will lead to crucial omissions.”

FERC Rolls Back Natural Gas Project Policies.

E&E Publishing (3/25, Willson) reported the Federal Energy Regulatory Commission “has rolled back sweeping new policies for large natural gas projects, including a framework for assessing how pipelines and other facilities contribute to climate change, weeks after prominent lawmakers panned the changes.” Though the policy alterations put out during February were meant to revise as well as “improve the agency’s approach for siting new gas projects, the commission has concluded that the new guidelines ‘could benefit from further clarification,’ said FERC Chair Richard Glick.” The commission’s Democratic majority during February elected to move forward “new policies altering the commission’s process for reviewing new natural gas projects.” Among the policies was one that broadened the span “of topics included in FERC’s reviews of interstate pipelines.” *E&E Publishing* added, “It explained that the commission would consider four major factors before approving a project,” among which was “the interests of landowners, environmental justice populations and surrounding communities.”

Proposed Trash Facility In Chicago Area Draws Criticism From Locals.

Belt Magazine (3/25) carried a *Borderless Magazine* story which said of West Chicago that “the majority-Latino suburb just thirty miles outside of the Chicago city limits is home to the DuKane transfer station,” which amounts to the sole “waste transfer station in DuPage County. It processes an estimated fifteen hundred tons of garbage daily from West Chicago, Streamwood, Bartlett and other surrounding communities.” However, that may shortly cease being the case “with the proposed construction of a second waste transfer facility just a half-mile down the road.” Lake Shore Recycling Systems “plans to expand its operations at 1655 Powis Road to also accept municipal waste.” However, the proposal has received criticism from locals “who are concerned about its environmental impact, like increased air

pollution, and effects on property values.” Julieta Alcántar-García “sees the construction of a second waste transfer station, one mile from residential areas, as an instance of environmental racism.”

[Back to top ▲](#)

Enforcement

Various Industry Sectors Supporting EPA In Battle Against Push To Enhance “Corrosivity” Standard Under RCRA.

In partly paywalled coverage, *Inside EPA* (3/25) reported, “A range of major industry sectors is backing EPA in its fight against a whistleblower group’s effort to strengthen the agency’s ‘corrosivity’ standard under the Resource Conservation & Recovery Act (RCRA), with industry citing major adverse cost, waste disposal and beneficial reuse impacts that would result from the changes being sought by petitioners.”

Chemical Makers’ Coalition Urges EPA To Amend, Not Revoke, Corrections Policy.

Bloomberg Law (3/25, Rizzuto) reported behind a paywall, “A coalition of chemical manufacturers asked the EPA on Friday to work with industry to revise – not revoke as planned – the agency’s policy allowing companies to correct the precise descriptions of chemicals they can legally manufacture or import.” The Toxic Substances Control Act New Chemicals Coalition wrote to the agency that “to eliminate the correction process is to ignore a critically important fact in the industrial chemical community.”

[Back to top ▲](#)

Rules/Regulations/Policy

Glick’s Future As FERC Chief Faces Uncertainty.

Politico (3/26, Morehouse) reports the President’s “efforts to deliver on his ambitious climate agenda are getting a big boost from the leader of one often overlooked agency who has used his position to home in on the energy industry’s greenhouse gas impact.” However, Federal Energy Regulatory Commission Chair Richard Glick “may see his efforts to put climate change at the forefront of federal energy policy cost him his job.” He “has pushed policies that angered prominent lawmakers, including many Republicans – and, most crucially, Senate Energy and Natural Resources Chair Joe Manchin (D-W.Va.), who as the upper chamber’s swing vote has weakened much of Biden’s climate agenda. That’s put Glick’s future at risk after his current term on the commission ends in June.”

Manchin Signals He Wishes To Restart Discussions On Packaging Regarding Energy Policy.

The Wall Street Journal ([Request Article](#)) (3/25, Duehren, Restuccia) reported Sen. Joe Manchin (D-WV) has signaled that he wishes to restart discussions regarding partly-line legislation pertaining to energy policy.

Washington State Transportation Package Includes Provision Banning New Non-EVs After 2030.

NBC News (3/26) reported Washington state Gov. Jay Inslee (D) signed a bill from the legislature that would "ban most non-electric vehicles by 2030." Under the provision, "all vehicles of the model year 2030 or later that are sold, purchased, or registered in the state must be electric." NBC said, "The bill covers a lot of transportation issues in the state and is a part of a larger \$16.9 billion transportation package called 'Move Ahead Washington,' which Inslee described as a way to create more efficient transportation options."

[Back to top ▲](#)

Sustainable and Healthy Communities

Tribes, Environmentalist: Utah Uranium Mill Could Endanger Groundwater.

The Arizona Republic (3/25) reported, "Tribes and environmentalists say the country's last operational uranium mill has become a low-cost industrial waste dump that could imperil land and groundwater in the Colorado River Basin and at nearby Bears Ears National Monument." They wish that the mine be shuttered "or be subject to stricter regulations to avoid a catastrophic incident like the 2015 Gold King mine spill." A "report issued by the Grand Canyon Trust March 15 said the White Mesa Mill in southeastern Utah, which opened in 1980 to extract uranium from mined ore, had been converted into a lower-cost alternative to a highly regulated toxic waste facility using what the trust calls a 'radioactive Midas touch,' a licensed 'alternative feed' mill that reprocesses used ore and low-level waste to extract more uranium and rare earths."

[Back to top ▲](#)

Toxics

Bipartisan Group Of House Legislators Pushing PFAS-Related Legislation.

In a partly paywalled article, Inside EPA (3/25) reported, "A bipartisan group of House lawmakers is pushing legislation that would require EPA to quickly subject all per- and polyfluoroalkyl substances (PFAS) to air toxics limits under the Clean Air Act, a measure that goes beyond the agency's current

research efforts and is broader in scope than a House-approved bill currently pending before the Senate.”

Report From Consumer Group Finds PFAS Chemicals In Certain Fast Food Wrappers From Popular Fast Food Chains.

The Hill (3/25) reported, “An analysis by Consumer Reports was released” March 24, revealing that “forever chemicals” known as PFAS “were found in certain fast food wrappers from popular fast food chains.” The analysis demonstrated that PFAS chemicals were “found in excessive amounts in the wrappers for some products from Burger King, Chick-fil-A, Stop & Shop, Sweetgreen, Nathan’s Famous, Cava and Arby’s.” The consumer organization “says they tested 118 food products with multiple samples from over two dozen stores and fast food restaurants in Connecticut, Mississippi, New Jersey, New York and Texas.”

According to CNN (3/25, LaMotte), the CDC “calls exposure to PFAS (per- and polyfluoroalkyl substances) a ‘public health concern,’ citing studies that found the human-made chemicals can harm the immune system and reduce a person’s resistance to infectious diseases.”

Other coverage includes the New York Daily News (3/25, Wilkinson) and the Miami Herald (3/26).

Vermont Officials Seeking More Time To Conduct School PCB Checks.

The AP (3/27, Alonso-Zaldivar) reports that “Vermont state officials have asked the legislature for more time to test older schools for PCBs.” The “PCB testing program is part of a law passed by the Legislature last year.” The AP adds that it mandates that all schools built or renovated prior to 1980 “test their indoor air for PCBs by July 1, 2024.”

Biden Administration Limiting Utilization Of Florida Migrant Detention Facility That Has Been Subject Of Various Allegations.

The Miami Herald (3/25) reported the Biden Administration “is limiting the use of a Florida detention center that holds immigrants in federal custody after lawmakers and immigration activists raised alarm over conditions in the facility.” US Immigration and Customs Enforcement “issued a formal announcement Friday afternoon stating that it would limit the use of the Glades County Detention Center, a county jail near Lake Okeechobee that houses migrant detainees on behalf of ICE.” The Gladys County Detention Center “has faced scathing allegations of medical negligence, sexual misconduct, retaliation against peaceful protesting, COVID-19 protocol violations and racist violence, according to several immigration advocates, civil rights groups and watchdog organizations.” Several groups in a complaint this month pressed the Environmental Protection Agency to probe alleged chemical disinfectant misutilization.

[Back to top ▲](#)

Water

Group Sues US Officials Over Alleged Failure To Step In Following Reversal Of Water Pollution Rules By Montana Legislature.

The AP (3/25) reports, "A conservation group has filed a lawsuit against U.S. environmental officials for alleged failure to intervene after the Montana Legislature rolled back longstanding water pollution rules." The "Bozeman-based Upper Missouri Waterkeeper group said a set of replacement rules proposed by the Montana Department of Environmental Quality will allow more nutrient pollution to enter streams, rivers and other waterways across the state." The US Environmental Protection Agency has supervision of Montana's "pollution rules and is required to approve or reject the changes but has failed to do so, according to the lawsuit filed Thursday in U.S. District Court in Great Falls."

[Back to top ▲](#)

ESG

War In Ukraine Brings Defects In ESG-Investing Business To Light.

The Wall Street Journal ([Request Article](#)) (3/27, Mackintosh) says Russia's invasion of Ukraine has revealed flaws in the ESG-investing business. Those focused on environmental, social and governance investing have tried to determine companies' sensitivity to the public mood, but the public mood keeps shifting.

[Back to top ▲](#)

Top National Stories in Industry

New US LNG Infrastructure To Be Convertible For Hydrogen Distribution, Says Biden Administration.

Bloomberg (3/25, Dlouhy) reported the Biden Administration on Friday said that infrastructure required to increase US LNG exports to Europe will be constructed "so that it can be converted later to distribute climate-friendly hydrogen." The aim is "to ensure any new pipelines are built with the right materials, valves and equipment so they can be easily adapted to carry hydrogen, a senior administration official told reporters Friday." The Administration's plan "was cheered by a coalition of companies working to advance and deploy hydrogen, including Air Liquide SA, Linde Plc and Cummins Inc." Linde VP of Clean Energy Development David Burns said, "If you're going to build new pipeline, you'd build it hydrogen-ready so it meets the specifications and requirements for hydrogen."

Biden's Pivot On Energy Agenda Boosts Natural Gas Industry. The Wall Street Journal ([Request Article](#)) (3/26) reported President Biden, who campaigned on a platform to transition the US to cleaner energy, has softened some of his positions in the wake of rising energy costs, which have been driven in part by the economic rebound from the pandemic, and more recently by the war in

Ukraine. The Journal said Biden's announcement to increase LNG to Europe and FERC's backtracking on environmental regulations have boosted the gas industry.

White House Reportedly Mulling “Windfall” Tax On US Oil And Gas Producers.

The *Washington Post* (3/25, Stein) reports that the White House is “studying a range of potential responses to rising gas prices as top Democrats in Congress push the administration to embrace a new tax on large corporate profits ahead of the 2022 midterm elections.” According to the Post, Biden Administration officials “have discussed...a major release of the nation’s oil reserves, loans and other incentives to energy producers to encourage production, and a federal gas tax holiday.” The Post adds that “Biden aides have also discussed ideas that they are less likely to advance. These ideas include rebate checks for motorists and using decommissioned buses in major cities to promote public transit and reduce gas demand. ... Additionally, White House officials have had preliminary conversations about a potential ‘windfall tax’ on the profits of large oil and gas producers...although it is unclear if they will embrace such a measure.”

[Back to top ▲](#)

Limetree Bay Refinery

EPA Warns Limetree Bay Refinery Owners They Might Have To Secure New “Prevention Of Significant Deterioration” Permit.

The *Virgin Islands Daily News* (3/27) reports the Environmental Protection Agency “has warned the new owners of Limetree Bay refinery that they may need to obtain a new ‘Prevention of Significant Deterioration’ permit, and recommended that they not restart operations until a final determination is made.” The agency “sent a letter on March 22 to West Indies Petroleum Limited and Port Hamilton Refining and Transportation, the new owners of the former Limetree Bay refinery on St. Croix, asking for additional information regarding past and future changes to processes and emission units at the refinery.” EPA Regional Administrator Lisa Garcia remarked via statement, “As EPA continues to obtain additional information to reach a final decision on the need for this particular permit, we remain committed to ensuring that any potential restart of this facility would occur safely and in accordance with environmental laws.”

[Back to top ▲](#)

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Message

From: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Sent: 1/19/2022 7:37:53 PM
To: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Subject: Administrator's Weekly Report for 1/19/22
Attachments: Administrator Weekly Report 1.19.22 FINAL.pdf; Administrator Weekly Report 1.19.22 FINAL.docx

Hello Administrator Regan and colleagues,

Attached, please find the Administrator's Weekly Report (in both PDF and Word), which includes programs and regional office updates for the week ending January 19, 2022.

Sincerely,

Neshawne Gibson
Office of the Administrator
US Environmental Protection Agency
Phone: (202) 566-1957
Mobile: (202) 603-7617

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- **White Mesa Mill Site Visit Follow-up to CERCLA Off-site Rule (OSR) Determination.**
 - On **January 13**, R8, accompanied by OAR Radiation Protection Division staff and Utah Department of Environmental Quality staff, conducted a site visit of the White Mesa Mill in Blanding, Utah.
 - EPA confirmed the drawdown of liquids and exposed materials in the impoundment, took emissions readings, and held discussions with Energy Fuels representatives.
 - R8 and OAR-RPD will the week of **January 17** to discuss next steps leading to EPA's final CERCLA OSR Determination.

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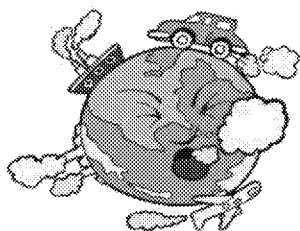
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Subject: Air & Radiation Law News for February 23, 2022



Air & Radiation Law News for February 23, 2022

Biden Urged to Declare 'Climate Emergency' to Unlock Powers

Progressive Democrats and climate activists are lobbying the White House to unlock a suite of executive powers as a response to the indefinitely stalled climate spending legislation championed by President Joe Biden.

'Climate Emergency'? Progress has halted on Biden's Build Back Better Act—and the more than \$550 billion contained within to fight climate change— due to objections from Democratic Senators Joe Manchin of West Virginia and Kyrsten Sinema of Arizona. So progressives are launching a new campaign designed to get Biden to declare a “climate emergency” to stave off global warming.

Chance to Redirect: The tactic could allow the president to shut down crude oil exports, suspend offshore drilling, and redirect funding for clean energy projects. “It's one of the clearest ways to bolster his authority and open up some policy options so he can meet the moment,” said Rep. Jared Huffman, a California Democrat, one of several in the Congressional Progressive Caucus urging Biden to use emergency authority.

[Read More](#)

Leading the News

Biden DOJ Appeals Order Blocking Social Cost of Carbon Estimates

[📎 Documents Attached](#)

The Biden administration wants the Fifth Circuit to undo an order blocking agencies from using interim estimates on the social costs of greenhouse gas emissions, according to a filing in a Louisiana federal court. [Read More](#)

Dakota Access Loses Supreme Court Appeal, Leaving Future Unclear

The U.S. Supreme Court rejected an appeal by Energy Transfer LP's Dakota Access Pipeline, letting stand a ruling that required a new federal environmental analysis and left the pipeline vulnerable to being shut down. [Read More](#)

Energy Fuels' Right to Operate Uranium Mine Affirmed by 9th Cir.

[📎 Documents Attached](#)

The U.S. Forest Service could ignore "sunk costs" when it decided that Energy Fuels Resources holds a valid existing right to operate a uranium mine in the Kaibab National Forest in Arizona, the Ninth Circuit affirmed Tuesday. [Read More](#)

VW, Audi Face Skepticism in Bid to Nix Emissions Software Suit

[📎 Documents Attached](#)

Some Texas Supreme Court justices on Tuesday challenged Volkswagen AG and Audi AG's argument that a state court is not the proper place to hear a lawsuit over the "diesel cheat" software update that resulted in a \$20 billion settlement with the EPA. [Read More](#)

Biden Delays Oil Permits as Gasoline Prices Surge on Ukraine (1)

The Biden administration has delayed issuing permits for new oil and gas drilling on federal land, a move that could complicate efforts to tame gasoline prices that are poised to top \$4 per gallon amid the Russia-Ukraine conflict. [Read More](#)

'These Waters Are Hot': U.S. Auction Opens Up Offshore Wind Rush

Two dozen companies are set to compete Wednesday to bid on lease areas off the coasts of New York and New Jersey, as the scramble to erect wind turbines all along the U.S. coast and decarbonize the nation's electric grid heats up. [Read More](#)

Climate

Chevron Case Cited for Ruling Holdup in Hawaii Climate Cases

[📎 Order Attached](#)

The Ninth Circuit has placed a hold on an energy industry appeal of two Hawaii climate cases until a decision is reached in a similar case from a group of California counties, according to an order issued Tuesday. [Read More](#)

Antarctic Sea Ice Shrinks to Smallest Surface Area on Record (1)

The Antarctic ice sheet has shrunk to the smallest surface area on record in another sign that the accelerating pace of climate change is hitting some of the coldest regions the hardest. [Read More](#)

Energy & Natural Resources

EPA Sets Up June 3 Deadline to Issue Biofuel-Blending Quotas

The EPA would be required to finalize biofuel-blending quotas for 2021 and 2022 by June 3, under a proposed legal settlement with ethanol advocates. [Read More](#)

Top U.S. Fuel Pipeline Hires Cyber Safety Boss Months After Hack

Colonial Pipeline Co., which manages the largest fuel conduit in the U.S., hired a Chief Information Security Officer nine months after a ransomware attack completely paralyzed its operations, drove up gasoline prices and sparked shortages at filling stations along the East Coast. [Read More](#)

Deloitte Audits of Southern Co.'s 'Clean Coal' Plant Draws Suit

[📎 Documents Attached](#)

Deloitte & Touche LLP and Deloitte LLP deceived investors about Southern Co.'s accounting for and expected completion of its now-abandoned "clean coal" electric power plant in Mississippi, investors told a Georgia federal court. [Read More](#)

Rockdale Marcellus Files Amended Plan, Keeping Case in Chapter 11

[📎 Documents Attached](#)

Shale driller Rockdale Marcellus LLC will liquidate in Chapter 11 after amending its proposed plan in order to address a creditor bid to convert the case to Chapter 7. [Read More](#)

Citgo Petroleum Retirees Advance Challenge to Pension Calculation

[📎 Documents Attached](#)

Citgo Petroleum Corp. must face a proposed class action claiming it shortchanges the pensions of certain married retirees by calculating their benefits using outdated lifespan data, according to a Chicago federal court ruling issued Tuesday. [Read More](#)

Contentious Nord Stream 2 Gas Pipeline Is Dead for Now (1)

German Chancellor Olaf Scholz effectively froze the \$11-billion link's approval process by having the Economic Ministry withdraw its assessment that the project doesn't pose a threat to security of supply. Without that, the operator of the pipeline connecting Russia to Germany bypassing Ukraine cannot obtain the certification needed to start operations. [Read More](#)

Blackstone Swears Off Oil-Patch Investing, Widening PE's Retreat

After watching big banks curtail lending and asset managers pare bets, fossil fuel producers are now losing access to some of Wall Street's deepest pockets. [Read More](#)

Chart: Brookfield Spurned in \$14 Billion Plan to Close Coal Plants

Australian utility AGL Energy Ltd. rejected a multibillion-dollar takeover bid from Brookfield Asset Management Inc. and technology billionaire Mike Cannon-Brookes, who plan to accelerate the closure of the company's polluting coal-fired power plants.

[Read More](#)

Air

EPA Watchdog Will Review Fenceline Monitoring for Refineries

The EPA's inspector general is launching an investigation into air monitoring rules on the borders of petroleum refineries, according to an announcement Tuesday. [Read More](#)

Louisiana Rubber Plant Settles Air Toxics Violations Lawsuit

A synthetic rubber manufacturing facility in southwest Louisiana will pay fines and fees for air monitoring programs to settle a dispute over excess pollutant emissions, according to a consent decree announced Tuesday. [Read More](#)

Tesla Settles With EPA Over Fremont Clean Air Act Violations

[📎 Document Attached](#)

The U.S. Environmental Protection Agency announces a settlement with Tesla Motors Inc. over Clean Air Act violations at their automobile manufacturing plant in Fremont, California. [Read More](#)



InsideEPA

Latest News

EPA Rejection Of State Ozone Plans Points To Tough Federal Interstate Rule

EPA is proposing to disapprove the plans of 19 states to mitigate their interstate ozone emissions, in a move that would clear the way for the agency to impose much tougher federal measures to ensure that states meet 2015 federal ozone standards. [FULL STORY](#)

EPA Agrees To June Deadline To Issue Final RFS Volumes For 2021, 2022

EPA has reached a consent decree deal with biofuels advocates to issue final rules by June 3 setting biofuels blending volumes required under the renewable fuel standard (RFS) for 2021 and 2022, fixing a firm timetable for the process amid mounting pressure on the agency to also set volumes for 2023 and beyond, when statutory targets expire. [FULL STORY](#)

From Climate Extra

Agencies Halt Key Rules, Decisions In Fallout From Court's SCC Injunction

The Biden administration is seeking to stay a district court's decision to block agencies from using the social cost of carbon (SCC) metric in their decisions, saying the injunction has forced officials to halt work on dozens of rules at EPA and other agencies, as well as environmental reviews for fossil fuel and other projects. [FULL STORY](#)

Daily Feed

Supreme Court rejects Dakota Access pipeline appeal

The court in a Feb. 22 order denied the Dakota Access Pipeline's petition seeking to overturn a lower court's holding that required the Army Corps of Engineers to conduct a stringent environmental impact assessment. [FULL STORY](#)

Regan: Chicago's permit denial is 'what environmental justice looks like'

Chicago's action is at least the second time opposition from the Biden EPA has blocked a permit for an industrial facility after agency action forced the Limetree Bay refinery in the Virgin Islands to cease operations in 2021. [FULL STORY](#)

EPA punts 'once in' air toxics proposal to September

The delay means a final rule may not be ready until September of 2023. [FULL STORY](#)

GREENWIRE

AN E&E NEWS PUBLICATION

[Ukraine invasion: Germany halts Nord Stream, energy prices up](#)

By Jeremy Dillon, E&E News reporter

TOP STORIES

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By Niina H. Farah and Pamela King, E&E News reporters

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By Jennifer Yachnin, E&E News reporter

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POLITICS

[Longtime Everglades champion dies](#)

By Hannah Northey, E&E News reporter

[Opponents of Pebble mine plan \\$130K TV ad buy](#)

By Jael Holzman, E&E News reporter

NATURAL RESOURCES

[National forests not main source for destructive fires, study says](#)

By Marc Heller, E&E News reporter

LAW

Firefighters sue gear, PFAS manufacturers over exposures

By Ariel Wittenberg, E&E News reporter

Biden admin comments on artificial turf spark FOIA lawsuit

By E.A. Crunden, E&E News reporter

ENERGY

Enviros urge end to gas drilling near Chaco during leasing freeze

By Heather Richards, E&E News reporter

Explosion at Marathon refinery causes minor injuries in La.

By Associated Press

AIR AND WATER

EPA seeks stricter emission rules for lead battery makers

By Sean Reilly, E&E News reporter

Chicago rejects car shredder permit after EPA-backed review

By Associated Press

Atlantic cargo ship fire subsides; suspicion falls on EV batteries

By Associated Press

Sewage spill shuts down beaches in Southern Calif.

By Associated Press

WASTES & HAZARDOUS SUBSTANCES

Only 9% of plastic waste is recycled — report

By Ana Faguy, E&E News reporter

FEDERAL AGENCIES

Watchdog faults EPA grant management during pandemic

By Kevin Bogardus, E&E News reporter

STATES

[Maine governor aims to add funding to fight PFAS](#)

By Associated Press

[New W.Va. national park had record visitation in 2021](#)

By Associated Press

INTERNATIONAL

[Locals fret as Colombia to declare hippos invasive species](#)

By Associated Press

[Israeli authority backs down from Mount of Olives park plan](#)

By Associated Press

[Mount Etna roars again, sends up towering volcanic ash cloud](#)

By Associated Press

ENERGYWIRE

AN E&E NEWS PUBLICATION

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By Mike Lee, Miranda Willson and Carlos Anchondo, E&E News reporters

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By Heather Richards, E&E News reporter

[Methane emissions 70% higher than governments say — report](#)

By Mike Soraghan, E&E News reporter

[Biden unlikely to close Dakota Access after SCOTUS order](#)

By Niina H. Farah, E&E News reporter

TECHNOLOGY

[Hackers targeting wind, solar intensify threat to energy](#)

By Christian Vasquez, E&E News reporter

FEDERAL AGENCIES

[New DOE threat center boosts U.S. utility defense](#)

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ENERGY TRANSITIONS

[Landmark CCS partnership adds oil and gas company](#)

By Camille Bond, E&E News reporter

OIL AND GAS

[BP ends 30-year partnership with London's National Portrait Gallery](#)

By Bloomberg

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By Associated Press

[Sri Lanka imposes power cuts as cash crisis deepens](#)

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By Associated Press

CLIMATEWIRE

AN E&E NEWS PUBLICATION

Climate denial still flourishes on Facebook — report

By Scott Waldman, E&E News reporter

TOP STORIES

Soot speeds snowmelt in Antarctica

By Chelsea Harvey, E&E News reporter

Airbus aims for test flight of hydrogen jet engine

By John Fialka, E&E News reporter

LAW

Hawaii climate case on ice pending resolution of Calif. fight

By Lesley Clark, E&E News reporter

EMISSIONS

Methane emissions 70% higher than governments say — report

By Mike Soraghan, E&E News reporter

NATIONAL SECURITY

Former CIA chief Petraeus: Don't sleep on climate as a threat

By Daniel Cusick, E&E News reporter

BUSINESS

Chile to be first nation to sell sustainability-linked bonds

By Bloomberg

IN THE STATES

Governor: Ky.'s death toll from December tornadoes now at 80

By Associated Press

INTERNATIONAL

Brazil's deadly mudslides reflect neglect, climate change

By Associated Press

Iraq's second largest lake drying up, turning up dead fish

By Associated Press



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January 27, 2022

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Today's Table of Contents

Administrator

- EPA Announces Environmental Justice Actions In TX, LA, MS. (AP)
- Regan Reiterates Objection To TX Air "Permits By Rule." (Inside EPA)
- Relocation Of Gordon Plaza Residents Moves Forward. (Big Easy Magazine)
- Officials Write Regan To Ask For Stricter RMP Rules. (WFPL-FM Louisville)

- Jackson Notified Of SDWA Violation. (AP)

Climate Change

- Energy Efficiency Advocates Ask EPA To Propose Changes To Its Heavy Truck GHG Standards. (Inside EPA)
- Global EV Sales Doubled In 2021 To 4.5M Despite Pandemic, Chip Shortage. (CNN)
- Carbon Tax Schemes Remain A Political Challenge In US. (The Atlantic)
- US Oil States Look To Claim Oversight Of Carbon Capture Wells To Speed Up Permits. (Reuters)

Editorial/Op Ed/ Commentary/Letters

- Opinion: With EPA On Board, Time For Texas Regulators To Step Up On Environment. (Houston Chronicle)
- Researcher: Biden Should Reassess His Approach To Climate Action. (The Hill)

Energy Issues

- Official Says FERC Focused On NGA Provisions. (Inside EPA)
- Clean Energy Fuels Signs Agreement To Expand RNG Network. (S&P Global Platts)
- Former Democratic Senators Join Pro-Natural Gas Group. (The Hill)
- ACC Votes Against Carbon-Free Energy Proposal. (Arizona Republic)
- Los Angeles City Council To Weigh Taking Steps To Halt New Oil And Gas Wells. (Los Angeles Daily News)
- Lawsuit Says US Government Agencies Fail To Protect Marine Life From Oil. (AP)

Science

- Study Finds Gas Stoves Leak Methane Even While Turned Off. (New York Times)
- Stain- And Water-resistant Products Plagued By PFAS: Study. (The Hill)

HQ Amplification

- SIO Says TSCA Chemicals Office Changes Will Take Time. (Inside EPA)

Toxics

- EPA Reaffirms EtO Findings, Opening Way To Stricter Regulation. (Inside EPA)

ESG

- Shareholder Climate Activism Poised To Accelerate In 2022. (Bloomberg)

Southside Recycling

- UIC Dean, Hundreds Of Cosigners Ask Mayor Not To Grant Southside Recycling Permit. (South Side Weekly)

Administrator

EPA Announces Environmental Justice Actions In TX, LA, MS.

The AP (1/26) reports the EPA on Wednesday announced a number of enforcement actions intended to “address air pollution, unsafe drinking water and other problems afflicting minority communities in three Gulf Coast states” – Texas, Louisiana, and Mississippi – following a “‘Journey to Justice’ tour by Administrator Michael Regan last fall.” The agency will “conduct unannounced inspections of chemical plants, refineries and other industrial sites suspected of polluting air and water and causing health problems to nearby residents, Regan said.” And it will “install air monitoring equipment in Louisiana’s ‘chemical corridor’ to enhance enforcement at chemical and plastics plants between New Orleans and Baton Rouge.” The region contains “several hotspots where cancer risks are far above national levels.”

The *Washington Post* (1/26, Fears) reports the agency is “spearheading the Biden administration’s push to place environmental justice at the center of the president’s climate agenda and to undo burdens placed on Black, Latino, Indigenous and poor communities across the United States.”

The *New York Times* (1/26, Friedman) reports Regan said of his tour of the region, “Seeing the situation for myself, talking directly to community members, it is startling where we get to this point – the point where children miss school days because the water isn’t safe.” The official “called the environmental conditions he had witnessed in many parts of the nation ‘unacceptable in the United States of America.’”

The *Hill* (1/26, Budryk) reports Regan said “that while the pilot program would incorporate the three states that were included on the tour, expansion was possible.” He specifically cited Milwaukee, “where he and Vice President Harris traveled earlier this week to tout the administration’s efforts to replace lead pipes.”

E&E Publishing (1/26, Brugger, Reilly) reports EPA Administrator Michael Regan said on a call with reporters Tuesday night, “These actions are not actions that EPA simply dreamed up, but are in response to what we heard from the community during the Journey to Justice tour and what we’ve heard from them since that tour.” He said of unannounced inspections of suspected polluters, “We’re going to keep these facilities on their toes, so they are doing their due diligence all the time, not just when there is a planned EPA inspection. When a facility is found to be noncompliant, we will use all available tools to hold them accountable.”

Reuters (1/26, Volcovici), *The Guardian* (UK) (1/26, Laughland), UPI (1/26, Klein), *Grist* (1/26, Johnson), Bloomberg BNA (1/26, Scott), and *Law360* ([Request Article](#)) (1/26, Rodriguez) also report.

Regan Discusses New Efforts In Response To Community Needs. CNN (1/26) reported “some communities in the South have been plagued by air and water pollution for years may now see some action from the Environmental Protection Agency.” In a six-minute interview, EPA Administrator Michael Regan said, “We’ve launched a series of efforts and reactions in direct response to what the community members had asked us for. We issued notices of violations to water facilities that are not providing good quality drinking water. ... We’ve required that the Denka facility in Louisiana, which produces a carcinogenic pollution that we know is detrimental to public health, we required them to do monitoring. ... We’ve also given more money, more resources to states like Louisiana so that they can amplify the air quality monitoring that they’re doing within their state.”

WNWO-TV (1/26), KVHP-TV (1/26), WVUE-TV (1/26), and WGMB-TV (1/26) are among stations that ran clips from that interview.

EPA To Install Air Quality Monitors In LA Corridor. The Donaldsonville (LA) Chief (1/26, Tortorich) reports the EPA announced that it will invest \$600,000 in air pollution monitoring equipment “for Louisiana’s parishes along the Mississippi River corridor known to some as ‘Cancer Alley.’” Last June, Ascension Parish President Clint Cointment, St. Charles Parish President Matthew Jewell, and St. James Parish President Pete Dufresne sent a letter to President Biden that said, “Decades of data compiled by the Louisiana Tumor Registry show that there is no ‘cancer alley’ in Louisiana.” EPA Administrator Michael Regan said in a statement, “In every community I visited during the Journey to Justice tour, the message was clear – residents have suffered far too long and local, state, and federal agencies have to do better. The pollution concerns have been impacting these communities for decades. Our actions will begin to help not only the communities I visited on this tour, but also others across the country who have suffered from environmental injustices.”

EPA Promises Improvements in Texas, Help For Houston Residents. The Houston Chronicle (1/26, Foxhall) reports EPA “this week promised sweeping improvements in Texas, including aggressive industry inspections, enhanced air quality monitoring and more effective regulation of ethylene oxide, a chemical that can cause cancer.” Administrator Michael Regan said, “This is just the beginning of EPA’s efforts to flip the script in terms of the unjust conditions underserved communities face.” Residents of Kashmere Gardens and Fifth Ward in Houston disagree with the state’s conclusion that the Union Pacific site in their neighborhood where creosote was used for decade does not present a risk. KPRC-TV (1/26) also reported.

Regan Reiterates Objection To TX Air “Permits By Rule.”

Inside EPA (1/26) reports, “EPA Administrator Michael Regan is continuing to object to Texas’ issuance of generic “permits by rule” (PBRs) that are incorporated into Clean Air Act Title V operating permits, handing a win to environmentalists who sought the objection though still falling short of their calls for major policy changes on reviewing the Title V permits. Over the past few weeks, Regan has found environmentalists’ petitions for EPA to object to Texas permits at least partially justified in a suite of cases.”

Relocation Of Gordon Plaza Residents Moves Forward.

Big Easy Magazine (LA) (1/26) reports New Orleans Mayor LaToya Cantrell issued a statement Wednesday saying the city will open bidding within the next two weeks for a third party to assess properties of Gordon Plaza residents who wish to move out. EPA Administrator Michael S. Regan announced the same day “that the EPA will expedite a review of the Gordon Plaza site previously scheduled for 2023, moving the review to March 2022.”

Officials Write Regan To Ask For Stricter RMP Rules.

WFPL-FM Louisville, KY (1/26, Van Velzer) reports 70 elected officials from 16 states sent a letter to EPA Administrator Michael S. Regan “calling for stronger rules to prevent explosions, limit catastrophic releases, improve accountability and account for the cumulative health impacts of living near industrial corridors.” The letter says, “We and our constituents are unwilling to continue living with the constant

threat of chemical disasters that could destroy our neighborhoods, businesses, and communities, when safer chemicals and technologies exist. Injuries, death and disease are not acceptable risks, and our communities are not sacrifice zones.” The EPA is currently reviewing Risk Management Plan (RMP) rules for high-risk facilities.

Jackson Notified Of SDWA Violation.

The AP (1/26, Pettus) reports the EPA issued a notice this week that the Jackson, MS water system violates the Safe Drinking Water Act. A spokesman for Mayor Chokwe Antar Lumumba said Jackson will request at least \$42 million from Mississippi’s federal money for infrastructure improvements and pandemic relief to use on short-term water system repairs. EPA Administrator Michael Regan visited Jackson in November “as part of a five-day tour of low-income, mostly minority communities in the South.”

WAPT-TV Jackson, MS (1/26, Williams) reports Regan will send letters this week to officials “stressing the importance of dedicating federal infrastructure funds, including nearly \$79 million from the Bipartisan Infrastructure Law, to address some of the most critical water needs.”

WHLT-TV (1/26) also reports.

[Back to top ▲](#)

Climate Change

Energy Efficiency Advocates Ask EPA To Propose Changes To Its Heavy Truck GHG Standards.

Inside EPA (1/26) reports, “Energy efficiency advocates are pressing EPA to propose ‘substantial changes’ to its current heavy-duty vehicle greenhouse gas standards, including elimination of an electric vehicle (EV) credit multiplier, citing concerns that narrower updates would undercut the standards by not fully accounting for a growing electrification push. The call from the American Council for an Energy-Efficient Economy (ACEEE) comes as EPA is soon expected to float tighter GHG limits for some heavy-duty vehicle types – including school buses, transit vehicles, [and] garbage trucks.”

Global EV Sales Doubled In 2021 To 4.5M Despite Pandemic, Chip Shortage.

CNN (1/26, Cooban) reports global electric vehicle (EV) sales more than doubled last year to 4.5 million from 2.1 million during 2020, according to LMC Automotive data, “despite turbulent economic conditions and a severe shortage of computer chips.” EVs accounted for 6.3% of total vehicle sales last year, representing a threefold increase in market share compared to 2019. LMC Automotive Director of Global Powertrain AI Bedwell said the chip shortage had “perversely sort of helped” EV sales. He explained, “Certainly, in Europe and certainly in China...very often it was the low emission, new generation of electric vehicles that got prioritized, because they’re the ones that were needed.”

Carbon Tax Schemes Remain A Political Challenge In US.

The Atlantic (1/26, Meyer) says that despite support from thousands of economists, “carbon-price schemes have no near-term chance of passage in the United States.” Carbon pricing “presents an unusually difficult political challenge, because it marries very salient costs (all fossil-fuel costs go up, for everyone) to somewhat opaque benefits.” In the past few years, carbon tax advocates “have proposed a twist meant to bypass those obstacles.” Under a scheme known as a revenue-neutral carbon price, “the government taxes every ton of carbon pollution but, instead of using that money, simply returns it to taxpayers as a payment.” This week, a group of researchers “published the first major study of whether a revenue-neutral carbon price actually increases support for climate policy.” The researchers didn’t find conclusive evidence that rebates increase people’s support for carbon pricing.

US Oil States Look To Claim Oversight Of Carbon Capture Wells To Speed Up Permits.

Reuters (1/26, Hampton) reports top oil-producing US states “are trying to wrest oversight of carbon capture wells from federal regulators, hoping to speed the oil industry’s preferred approach to combating climate warming amid calls for limits on fossil fuel production.” States including Texas and Louisiana “want to take over permit reviews and enforcement authority, also known as primacy, from the U.S. Environmental Protection Agency (EPA)” for greenhouse gas storage sites. North Dakota “won oversight in 2018 and issued its first permit last year after an eight-month review.”

[Back to top ▲](#)

Editorial/Op Ed/ Commentary/Letters

Opinion: With EPA On Board, Time For Texas Regulators To Step Up On Environment.

In an op-ed for the *Houston Chronicle* (1/26), Kashmere Gardens Super Neighborhood President Keith Downey says the new EPA effort comes as a relief to Gulf Coast residents, whose air and water quality concerns have gone unanswered for years. Now, “we need the state to step up, too.” The Texas Commission on Environmental Quality is “much closer to these issues” than federal actors, and it is their duty to “work with us and treat our communities the way they want theirs to be treated.”

Researcher: Biden Should Reassess His Approach To Climate Action.

In an op-ed for *The Hill* (1/26), American Enterprise Institute nonresident senior fellow James Coleman argues that “high oil, gas and electricity prices are threatening to derail President Biden’s commitment to climate action.” Coleman writes that the Biden Administration “has been following the typical pattern of U.S. action on climate matters,” providing more funding for renewable energy, demanding emissions reductions, and raising “roadblocks for high-profile parts of the traditional energy supply chain.” Coleman contends that “a better approach would be a modest U.S. carbon price that automatically ratchets up with increasing regulation in trading partners such as Europe and Canada.” This, he says, would “smooth, rather than snarl, global supply chains and provide a global glide path to cleaner energy.”

[Back to top ▲](#)

Energy Issues

Official Says FERC Focused On NGA Provisions.

Inside EPA (1/26) reports, "Federal Energy Regulatory Commission (FERC) member Allison Clements (D) says the commission is focused on changes to how it determines if a natural gas project is 'needed' under the Natural Gas Act (NGA), including whether to include first-time climate reviews in that decision rather than relying largely on available contracts."

Clean Energy Fuels Signs Agreement To Expand RNG Network.

S&P Global Platts (1/26, McGurty) reports Clean Energy Fuels "has signed a deal with one of the largest US dairy farmers to provide an additional 5 million gallons of low carbon renewable natural gas as it seeks to expand its RNG fueling network, the company said in a Jan. 26 statement." Under the agreement, "Clean Energy Fuels will build a methane capture digester at Millenkamp Dairy, located in Jerome, Idaho, to produce the renewable natural gas which will then be shipped to California." In their statement, Clean Energy Fuels officials said, "The project is expected to provide an anticipated 5 million gallons of very low carbon-intensity RNG annually, which will flow into Clean Energy's fuel network. The Millenkamp project will be developed through Clean Energy's joint venture with bp."

Former Democratic Senators Join Pro-Natural Gas Group.

The Hill (1/26, Frazin) reports "Former Democratic senators Heidi Heitkamp (N.D.) and Mary Landrieu (La.) are joining a group that promotes natural gas." Natural Allies for a Clean Energy Future "said the ex-senators would be joining its leadership council, which seeks to promote the use of the fossil fuel in the energy transition." In an interview, Heitkamp said she'll be working to "changing hearts and minds of people in the climate movement" so that they develop a more favorable view toward natural gas. Landrieu, meanwhile, "said they'd be more focused on supporting natural gas generally than on honing in on specific policies or ideas."

ACC Votes Against Carbon-Free Energy Proposal.

The Arizona Republic (1/26, Randazzo) reports the Arizona Corporation Commission voted 3-2 Wednesday against a proposal that would have required the state use 100% carbon-free energy. The proposal "would have updated the Renewable Energy Standard and Tariff that an all-Republican commission passed in 2006 and that requires utilities to get 15% of their power from renewables by 2025, as well as the 2010 energy-efficiency requirements for utilities to use efficiency measures to meet 22% of their energy demand by 2020." In a statement, ACC member Jim O'Connor said, "I have repeatedly asked myself if the proposed energy rules are necessary at this time." O'Connor added, "I have concluded the utilities are serious and sincere with their commitments to clean energy. ... I see they face pressures, some helpful, some unhelpful, from a variety of sources, including from Wall Street and

from the federal government. I have concluded they do not need these state-level energy rules at this time, which impose risks for ratepayers.”

The AP (1/27, Christie) reports Arizona Public Service (APS) “said it would stick to its vow to have 100% clean power by 2050 despite the rules package being defeated.” In a statement, APS officials said, “We recognize that clean, reliable and affordable energy is essential to Arizona’s future.”

Los Angeles City Council To Weigh Taking Steps To Halt New Oil And Gas Wells.

The Los Angeles Daily News (1/25, Grigoryants) reports the Los Angeles City Council on Wednesday “will consider taking steps toward halting new oil and gas wells in the city, and eventually phasing out existing oil and gas drilling sites as well.” The council will consider “multiple recommendations and potentially direct staff to draw up two ordinances that would eventually phase out such operations entirely.” Oil industry officials “condemned the proposals, calling them illegal and unconstitutional – and bad for the economy.” The AP (1/26, Costley) reports similarly.

Lawsuit Says US Government Agencies Fail To Protect Marine Life From Oil.

The AP (1/26) reports the Center for Biological Diversity “says in a lawsuit that the U.S. government failed to protect endangered whales and other animals by underestimating the potential for an oil spill like a recent crude pipeline leak off California’s coast.” The conservation group “filed a lawsuit in federal court Wednesday saying Interior Department agencies and the National Marine Fisheries Service didn’t ensure offshore oil and gas production wouldn’t jeopardize endangered and threatened species in accordance with U.S. law.” In October 2021, “an offshore pipeline leaked 25,000 gallons (94,600 liters) of crude into the waters off Southern California.”

[Back to top ▲](#)

Science

Study Finds Gas Stoves Leak Methane Even While Turned Off.

The New York Times (1/27, Zhong) reports, “Gas stoves leak significant amounts of methane when they are being ignited and even while they are turned off, according to a new report, adding to the growing debate over the effects of gas-powered appliances on human health and climate change.” The study was “based on measurements from cooktops, ovens and broilers in 53 homes in California” and “estimated that stoves emit between 0.8 and 1.3 percent of the natural gas they consume as unburned methane, a potent greenhouse gas.” Furthermore, “during the course of a typical year, three-quarters of these emissions occur when the devices are shut off, the study showed, which could suggest leaky fittings and connections with gas service lines.” In a 20-year-period, “emissions from stoves across the United States could be having the same effect in heating the planet as half a million gas-powered cars, the study estimated.”

The *Washington Post* (1/27, Joselow) reports, “The findings come as scientists and climate activists have increasingly urged homeowners to switch to all-electric stoves, water boilers and other appliances, even as the natural gas industry fights in New York and across the country to keep the signature blue flames of gas-burning stoves as a staple in American homes.”

NPR (1/27, Brady) also reports.

Stain- And Water-resistant Products Plagued By PFAS: Study.

The Hill (1/26, Udasin) reports, “A wide range of products – from hiking pants to mattress pads – labeled as stain- or water-resistant tend to contain toxic substances known as ‘forever chemicals,’ a new report has found.” The report analyzed 60 products from 10 major retailers and “identified per- and polyfluoroalkyl substances (PFAS) in 72 percent of the 47 items marked as stain- or water-resistant.” Researchers “also found that all products that were not marketed as stain- or water-resistant were PFAS-free.” Study author and Toxic-Free Future Science Director Erika Schreder said, “Our testing finds continued, unnecessary use of the toxic chemicals known as PFAS in outdoor clothing and home furnishings like bedding and tablecloths.”

[Back to top ▲](#)

HQ Amplification

SIO Says TSCA Chemicals Office Changes Will Take Time.

Inside EPA (1/26) reports, “During a Jan. 25 presentation at the Toxicology Forum’s annual winter meeting, Francesca Grifo, EPA’s scientific integrity officer, told attendees” that the agency “is slated to update its scientific integrity policies by the end of 2022 as part of an administration-wide push on the subject, but the agency’s science integrity officer is warning that remedying alleged violations at the TSCA new chemicals office will be a lengthier process, as they stem from deep-seated conditions that ‘don’t change miraculously overnight.’”

[Back to top ▲](#)

Toxics

EPA Reaffirms EtO Findings, Opening Way To Stricter Regulation.

Inside EPA (1/26) reports, “EPA is reaffirming its key 2016 finding that the industrial solvent ethylene oxide (EtO) is much more harmful than previously thought, and rejecting an alternative assessment by Texas that downplayed health risks, clearing the way for tougher air toxics regulations in several sectors including commercial sterilizers and chemical manufacturing.”

Inside EPA (1/26) reports, "EPA's just-released proposal to reaffirm its use of a key agency risk assessment for ethylene oxide (EtO) in chemical sector air regulation and reject a weaker Texas alternative avoids addressing broad concerns raised by environmentalists, promoting fresh calls for tougher monitoring and other action to strengthen EPA's air toxics program."

[Back to top ▲](#)

ESG

Shareholder Climate Activism Poised To Accelerate In 2022.

Bloomberg (1/26, Quinson) reports shareholder climate activism likely will accelerate further in 2022, "said Rob Du Boff, senior ESG analyst at Bloomberg Intelligence." Major companies will be impacted by the "more than nine campaigns based on environmental or social issues" that are currently underway. Bloomberg says the efforts "are getting more aggressive with investors pressing big companies to do everything from reallocate capital and shrink carbon footprints to overhaul management teams." The *Wall Street Journal* ([Request Article](#)) (1/26) says activist investors often will have to choose between making a difference and making a profit, however.

[Back to top ▲](#)

Southside Recycling

UIC Dean, Hundreds Of Cosigners Ask Mayor Not To Grant Southside Recycling Permit.

South Side Weekly (1/26) reports "earlier this month" UIC School of Public Health Dean Wayne H. Giles sent a letter to Chicago Mayor Lori Lightfoot asking her to deny a permit to Southside Recycling. The letter was cosigned by "eight elected and City officials, sixty-nine organizations, and 754 individuals."

[Back to top ▲](#)

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Message

From: OGCLibrary [OGCLibrary@epa.gov]
Sent: 5/27/2020 4:21:06 PM
To: Anderson, Lea [anderson.lea@epa.gov]; Anderson, Steve [Anderson.Steve@epa.gov]; Aranda, Amber [aranda.amber@epa.gov]; Averback, Jonathan [Averback.Jonathan@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Branning, Amy [Branning.Amy@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Davis, Julian [davis.julian@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Hogan, Stephanie [Hogan.Stephanie@epa.gov]; Igoe, Sheila [Igoe.Sheila@epa.gov]; Jordan, Scott [Jordan.Scott@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Lee, Michael [lee.michaelg@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Manners, Mary [manners.mary@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]; Morgan, Jeanette [Morgan.Jeanette@epa.gov]; Muller, Sheldon [Muller.Sheldon@epa.gov]; Nguyen, Quoc [Nguyen.Quoc@epa.gov]; Adair, Jocelyn [Adair.Jocelyn@epa.gov]; Okoye, Winifred [Okoye.Winifred@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Pastorkovich, Anne-Marie [Pastorkovich.Anne-Marie@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Senn, John [Senn.John@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Tierney, Jan [tierney.jan@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Versace, Paul [Versace.Paul@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Vergeront, Julie [Vergeront.Julie@epa.gov]; Tozzi, Lauren [Tozzi.Lauren@epa.gov]; Pilchen, Zach [Pilchen.Zach@epa.gov]; Skinner-Thompson, Jonathan [Skinner-Thompson.Jonathan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Thompson, Christopher [Thompson.Christopher@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Michaels, Lauren [Michaels.Lauren@epa.gov]; Nguyen, Duch [Nguyen.Duch@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Charlton, Tom [Charlton.Tom@epa.gov]; Kulschinsky, Edward [Kulschinsky.Edward@epa.gov]; Portmess, Jessica [Portmess.Jessica@epa.gov]; Kryman, Matthew [Kryman.Matthew@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Palmer, Karen [Palmer.Karen@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]; OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Krallman, John [krallman.john@epa.gov]; Mastro, Donna [Mastro.Donna@epa.gov]; Ng, Brian [Ng.Brian@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Kodish, Jeff [Kodish.Jeff@epa.gov]; Dugan, Brett [Dugan.Brett@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Iddings, Brianna [Iddings.Brianna@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]; Nelson, Karen [nelson.karen@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Shepherdson, Melanie [Shepherdson.Melanie@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Meisenbach, Caitlin [Meisenbach.Caitlin@epa.gov]; Oeler, Lawrence [Oeler.Lawrence@epa.gov]; Steinberg, Kayla [steinberg.kayla@epa.gov]; Payne, James [payne.james@epa.gov]
Subject: Air & Radiation Law News for May 27, 2020



Air & Radiation Law News for May 27, 2020

Highlights

LEADING THE NEWS

California Cities Can Push Climate Cases Against Big Oil (1)

By Ellen M. Gilmer and Malathi Nayak

California cities and counties cleared an important hurdle in their legal fight to get major oil companies including BP Plc, Exxon Mobil Corp. and Chevron Corp. to pay tens of billions of dollars to deal with the effects of climate change.

Court Strikes Trump Sage Grouse Plan, Cancels Montana Oil Leases

By Bobby Magill

A Montana federal judge tossed out 440 oil and gas leases in greater sage-grouse habitat in Montana and Wyoming, saying the Bureau of Land Management failed to follow its own plans for protecting the chicken-sized bird.

AIR, WATER, AND WASTE

Water, Highway Bills Among Must-Pass Legislation, Hoyer Says

By Kellie Lunney

House Democrats will focus this summer on passing essential legislation, including the Water Resources Development Act, a highway reauthorization bill, and appropriations measures, Majority Leader Steny Hoyer (D-Md.) said Tuesday.

CORONAVIRUS

EPA's Biggest Union Pushes Back Against Agency's Reopening Plans

By Stephen Lee

The EPA's biggest union is pushing back against the agency's plans to start the process that could lead to reopening some of its offices.

Coronavirus Adds to Health Risks of Ailing 9/11 Responders

By Keshia Clukey

Michael Hollander has prostate cancer, thymus cancer, chronic obstructive pulmonary disease, asthma, and has had a piece of his heart removed — all linked to his emergency medical response to the terrorist attacks on Sept. 11, 2001.

ENERGY AND NATURAL RESOURCES

Cuomo Calls for Canada-to-NYC Power Line to Deliver Clean Energy

By Will Wade

New York Governor Andrew Cuomo is calling for new power lines from upstate and Canada to reinvigorate the state's ravaged economy and promote clean energy.

Energy Fuels' Mining Near Grand Canyon Gets Approval to Restart

By Maya Earls

The U.S. Forest Service properly determined that Energy Fuels Resources Inc. had "valid existing rights" for its mine located near the Grand Canyon and could therefore resume mining operations, an Arizona federal court ruled.

Energy West Owes Miners' Pension \$115 Million After Withdrawal

By Jacklyn Wille

Energy West Mining Co. owes more than \$115 million in pension liabilities after shutting down its Utah coal-mining operations and withdrawing from the United Mine Workers of America 1974 Pension Plan, the U.S. District Court for the District of Columbia ruled.

Wisconsin Utility Aims to Quadruple State's Solar-Power Capacity

By Christopher Martin

Alliant Energy Corp., a Wisconsin utility owner, plans to quadruple the state's solar-power capacity as it prepares to close an aging coal plant.

Nuclear Fusion Startup Gets \$84 Million to Enter Next Phase

By Akshat Rathi

U.S. clean-energy startup, Commonwealth Fusion Systems, raised an additional \$84 million from major investors in Europe and Asia, underscoring that the appetite remains to back new technologies which could mitigate climate change.

Court Refuses to Revive Obama-Era Coal Leasing Moratorium

By Ellen M. Gilmer and Bobby Magill

A federal court won't reinstate an Obama-era moratorium on new coal leasing—at least for now.

Borealis Wins Reversal in Suit Over Buyout of Hunt's Oncor Stake

By Mike Leonard

Borealis Power Holdings Inc., not Sempra Energy, has the right to buy Hunt Consolidated Inc.'s tiebreaking state in a partial parent of Texas's largest utility, Delaware's top court ruled, reversing a Chancery Court judge.

ENERGY BRIEFING: Energy Watchdog Sees Global Oil Demand Rebound

By Zachary Sherwood and Brianna Jackson

Global oil consumption hasn't peaked, the head of the International Energy Agency warned, throwing cold water on hopes the coronavirus will cap demand and reduce climate-changing emissions.

CLIMATE

Cornell Won't Put Money in New Private Fossil Fuel Investments

By Janet Lorin

Cornell University's endowment is putting a moratorium on new private investments focused on fossil fuels and plans to expand its holdings in alternative-energy technologies.

AROUND THE GLOBE

Top Ozone Polluter China on Track to Implement Global Agreement

By Michael Standaert

China's environmental authority has released a draft update of regulations that aim to ease out hydrofluorocarbons production and use in the world's top producer of the potent greenhouse gases.

Germany Sued Over Failing to Control Harmful Air Pollutants

By Akshat Rath

The German government was sued by environmental activists over its failure to tackle harmful air pollutants.

Hydrogen Primed for Key Role in World's Greenest Stimulus Plan

By Ewa Krukowska and Vanessa Dezem

Europe is betting on emissions-free electricity for big industry in its economic recovery package, drafting measures to scale up the production of hydrogen.

Eskom Plan to Skip Pollution Equipment Not Legally Feasible

By Antony Sguazzin

Eskom Holdings Ltd.'s desire to avoid spending 42 billion rand (\$2.4 billion) reducing sulfur dioxide emissions at one of its largest power plants isn't legally feasible, according to the country's environmental affairs department.

Lufthansa Bailout Comes With No New Climate Strings Attached

By William Wilkes

Germany's multi-billion euro bailout of Deutsche Lufthansa AG may cost the airline some precious airport slots, but one thing it won't have to do is meet any new environmental rules.

INSIGHT

INSIGHT: What's at Stake in EPA's MATS Finding Reversal

The EPA's recent rule concerning the Mercury and Air Toxics Standards (MATS) determines it's not necessary to regulate "hazardous air pollutants" (HAPs) from power plants. Ballard Spahr's Brendan Collins says the agency's action has pleased no one and that MATS will likely remain in effect while litigation plays out.

INSIGHTS: Litigation Finance Could Be a Lifeline During Pandemic

The coronavirus pandemic and its recession is hitting the legal industry hard, and firms are bracing for furloughs, layoffs, hiring freezes, and other adverse economic impacts. Eva Shang and Robbie Li of litigation funding firm Legalist say litigation finance can provide unique and critical support for the industry.

COURTS AND LAW

Judges Weigh Bigger Rooms, Cleaner Mics as Jury Trials Restart

By Matthew Bultman and Maeve Allsup

Federal courts in some parts of the country have prepared for a cautious reboot of jury trials in civil lawsuits—equipped with disinfectant, measuring tapes, and extra jurors.

The logo for INSIDEEPA.COM is displayed in a bold, black, sans-serif font. The text "INSIDEEPA.COM" is the primary focus, with "an online news service from the publishers of Inside EPA" in a smaller font below it. The background of the logo is a light gray with a subtle, repeating pattern of the word "EPA" in a larger, lighter font.

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Redefining EPA

Overhauling an agency and its mission

<https://insideepa.com/agency-at-a-crossroads>

Inside EPA's **Clean Air Report**, 05/28/2020

<https://insideepa.com/newsletters/clean-air-report>

Latest News

EPA Union Officials Oppose Wheeler's Plan To Begin Reopening Offices

Officials with the American Federation of Government Employees (AFGE), the union representing the majority of EPA employees, are strongly opposing Administrator Andrew Wheeler's announcement that the agency will begin a phased reopening in three of its 10 regions after the coronavirus pandemic closed all agency offices in March.

FULL STORY

In Another Win For Cities, 9th Circuit Routes Climate Suits To State Court

The U.S. Court of Appeals for the 9th Circuit is handing city and county governments another victory in their series of climate nuisance lawsuits against oil majors, finding that two cases seeking damages from the companies belong in California state court where the local governments first filed them. [FULL STORY](#)

Attorney Seeks Eased EPA Permitting For CCUS As Oil Woes Shift Focus

The coronavirus-related disruption to oil markets might force carbon capture projects to focus less on enhanced oil recovery (EOR) to store captured emissions and more on “non-producing” storage options, according to one industry attorney, arguing the dynamic should spur EPA to ease its rules for such projects. [FULL STORY](#)

Daily Feed

DTE inks NSR pact requiring coal plant retirements

The deal resolves alleged Clean Air Act permitting violations, but the Trump administration reportedly refused to join a legal settlement requiring the Michigan utility to shutter a coal plant. [FULL STORY](#)

Ewire: Judge says new suit needed over coal leasing NEPA review

In today's Ewire: Environmentalists must file a new lawsuit if they hope to challenge the Interior Department's environmental review of its decision to lift an Obama-era coal leasing moratorium. [FULL STORY](#)

Environment Next

S&P launches ESG scoring metric to guide investors' priorities

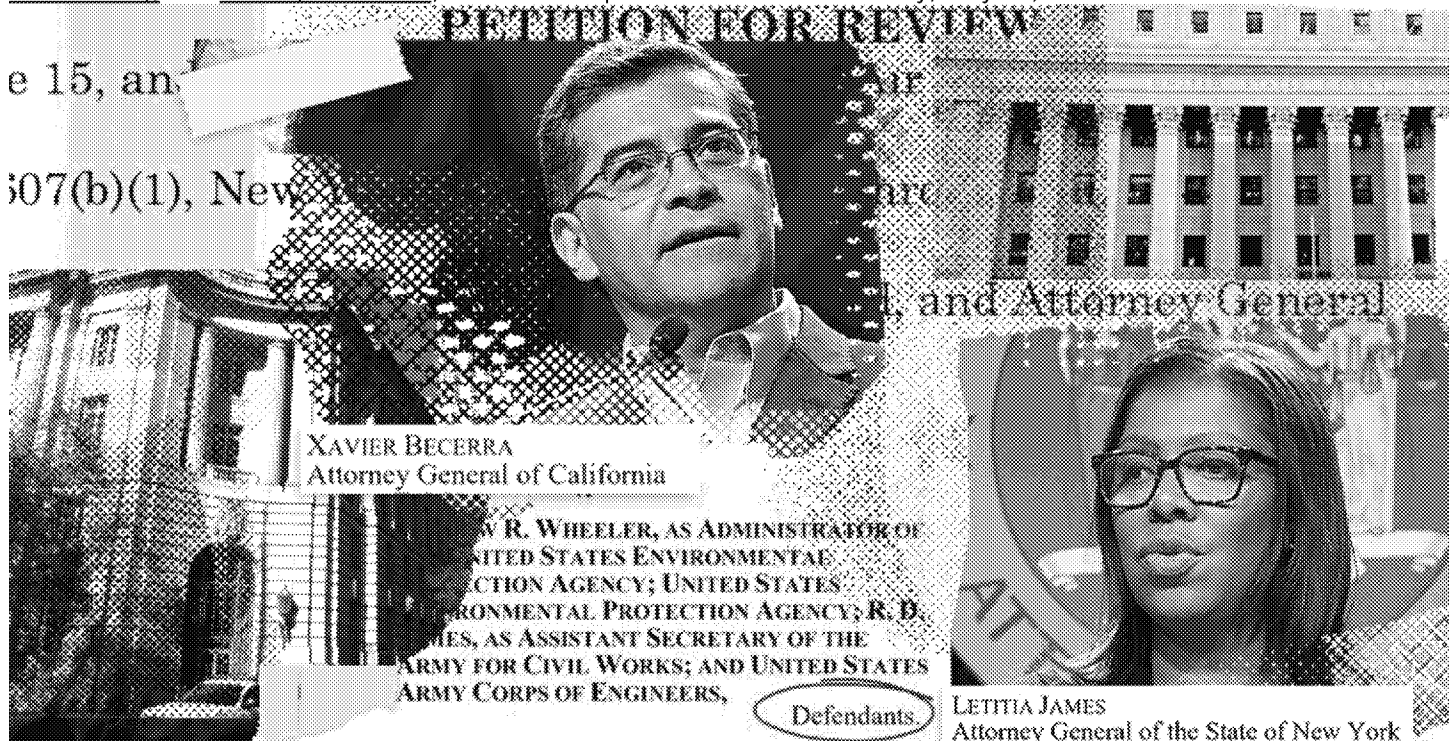
The credit rating firm S&P is launching a system for scoring companies' environmental, social and governance (ESG) performance, a move it says will help investment firms and individual investors prioritize funding sustainable companies in a sign of broader market trends toward that practice. [FULL STORY](#)

AN E&E NEWS PUBLICATION

REGULATIONS

States lead court fight against Trump. They're winning

Pamela King and Jeremy P. Jacobs, E&E News reporters Published: Tuesday, May 26, 2020



Democratic Attorneys General Xavier Becerra of California and Letitia James of New York are leading a crush of successful state lawsuits over the Trump administration's rollback of environmental rules. Claudine Hellmuth/E&E News(illustration); NewYorkStateAG/Twitter(James); Gage Skidmore/Flickr(Becerra); Ken Lund/Flickr(CA courthouse); Michael J DAmato/Wikipedia(NY courthouse); Court Documents

The Trump administration's aggressive deregulatory agenda has run full-speed into a blockade set by Democratic attorneys general.

Led by New York and California, the states have challenged virtually every effort by EPA and other agencies to walk back Obama-era rules like the Clean Power Plan and Clean Water Rule.

And they are winning.

Republican attorneys general similarly sued over many rules that came out of Obama's EPA. But the Democrats have filed significantly more lawsuits, and they have been more successful — winning 80% of the cases thus far, according to an analysis of the challenges, which often take years to work their way through the courts.

The cases often draw the support of 15 to 20 Democratically led states, and they are typically helmed by New York Attorney General Letitia James and California Attorney General Xavier Becerra.

Becerra said there are differences between the current strategy and what Republicans did during the Obama administration.

"Part of it has nothing to do with California or Democratic AGs," he told E&E News. "It has to do with an administration hellbent on taking us back to the 20th century."

The states' "strongest allies," Becerra said, are "facts, science and the law."

The second difference: "We're winning, and we are winning at a much better clip than Republican AGs ever did under President Obama."

Becerra has sued the administration 81 times on a wide range of issues, including immigration and health care. But more than half of the lawsuits have challenged environment and energy policies. James, who took office last year, has also spearheaded many multistate lawsuits and has pressed EPA to act on smog-forming pollution that crosses state lines.

"I am offended by the regressive policies of this administration — policies that threaten the air that we breathe, the water that all of us enjoy," James said in an interview.

Multistate lawsuits launched by Democratic attorneys general have seen an 80% win rate against the Trump administration in court, according to [data](#) compiled by Paul Nolette, an associate professor at Marquette University.

They have notched wins on issues including regulating methane emissions from landfills, ozone air standards, and key water and endangered species regulations. But they don't always succeed; the states were rebuffed in a challenge to Trump's 2017 "two for one" executive order that required two regulations to be nixed for every new one issued ([E&E News PM](#), Dec. 20, 2019).

States and environmental groups also lost their challenge to EPA's initial decision to revise the Obama-era car rules, but they are regrouping for a lawsuit over the subsequent rollback ([Greenwire](#), Oct. 25, 2019).

By comparison, Republican attorneys general — often led by Texas — won about 60% of their cases against the Obama administration, said Nolette, the author of "Federalism on Trial: State Attorneys General and National Policymaking in Contemporary America."

"AGs win a lot," he said. "They win more than they lose."

One reason for that success, Nolette said, is that states can band together to pick the most favorable forums for their lawsuits. The most popular venues: the U.S. District Court for the Northern District of California and the U.S. District Court for the Southern District of New York.

Those benches generally remain friendly to environmental claims — even after three years' worth of judicial appointments by President Trump, Nolette said.

Others noted that while Obama was far to the left on certain issues — such as regulating methane and carbon dioxide — he wasn't as extreme as the Trump administration has been with its deregulatory agenda.

"The difference here is the Trump administration has been very, very aggressive not only in what it rolls back, but how much it has rolled back," said Mark Ryan, a former Clean Water Act attorney in EPA's Region 10.

"There is a lot more low-hanging fruit," he said.

Legacy of advocacy

New York and California have long histories of progressive environmental policies, and the efforts of James and Becerra carry forward that legacy.

James, the first woman of color to serve as New York attorney general, was elected in 2018 and stepped into an office with a rich history of advocacy that began when the state led challenges of EPA's deregulatory efforts in the 1980s, Nolette said.

The state is also often involved in Clean Air Act litigation because it is located downwind of pollution generated in the Midwest, he said.

Similarly, California has enacted more progressive policies than the federal government on a host of issues, especially air pollution.

Becerra was appointed California's attorney general in 2017 by former Gov. Jerry Brown (D), then was elected statewide the following year. The post has been a political launching pad in the state; Brown and his father, Gov. Pat Brown (D), held the job, as has Sen. Kamala Harris (D-Calif.).

Becerra also has proved he has political chops. He's long been considered a rising star in the Democratic Party. Before becoming attorney general, he served in the House, eventually becoming chairman of the Democratic caucus.

He was blunt when asked why the courts — and not Congress — have emerged as the primary venue to fight the Trump administration.

"Facts, science and the law still predominate in the courts," he said, "unlike in Congress."

'Special solicitude'

Blue states' lawsuits against the Trump administration often accompany similar challenges brought by environmental groups like the Sierra Club or the Natural Resources Defense Council.

But states' claims carry extra heft in court, a fact the Supreme Court recognized in the watershed environmental case *Massachusetts v. EPA*, which said EPA could regulate greenhouse gas emissions under the Clean Air Act. The opinion, written by Justice John Paul Stevens, said states enjoyed "special solicitude" in court.

"States have special status not only in protecting the interests of their citizens but also because they have a primary responsibility for the environment in their states," said David Hayes, a former Interior Department official during the Clinton and Obama administrations who now leads the State Energy & Environmental Impact Center at New York University School of Law.

The special standing enjoyed by states was on full display last week in a legal battle over the Trump administration's efforts to overhaul implementation of the Endangered Species Act.

A federal court rejected a bid by government attorneys to toss the states' case on grounds they lacked standing but asked environmental groups like the Center for Biological Diversity to do more work to demonstrate how they would be harmed by the administration's actions ([Greenwire](#), May 19).

For environmentalists, the increased effort by the states is a welcome development.

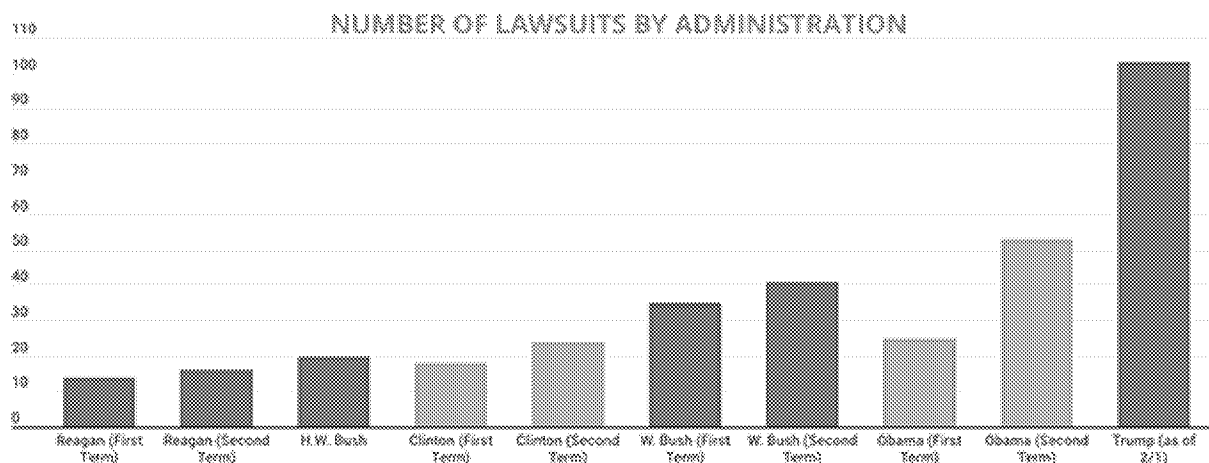
"Finally, Democratic AGs are saying they have a role to play," said Jen Pelz, director of WildEarth Guardians' Wild Rivers Program.

Others cautioned against giving the Democratic attorneys general too much credit.

"They are just clearly expressing increasingly the red-blue divide among states," said Tony Francois, a senior attorney with the conservative, California-based Pacific Legal Foundation.

"It's important when looking at a phenomenon like that — active and coordinated work by groups of states — evenhandedly," he said.

'Force multiplier'



[+] Democratic attorneys general have been more active in challenging Trump era rules than their Republican counterparts during the Obama administration. Dr. Paul Nolette, State Litigation and AG Activity Database

Nolette's data shows that, indeed, both blue and red states have been active in challenging policies from administrations of the opposing party.

But the pace has accelerated dramatically. The number of state lawsuits rose during the George W. Bush era, then ticked up again during the Obama years.

During the Trump administration, the number of lawsuits has nearly doubled.

James said the attorneys general have regular conference calls to decide who should take the lead on a particular lawsuit. Often, New York or California assumes the top slot in a multistate challenge, but other states, like Massachusetts and Washington, have taken leading roles in actions related to Endangered Species Act and National Environmental Policy Act regulations.

"When you have multiple states weighing in strongly on the same issue, it's a force multiplier," said Hayes, who in his current role promotes litigation by states against the Trump administration.

"It's impressive when you have some of the largest and most important states in our economy all weighing in with a single voice on matters of national importance," Hayes said.

What will 2020 hold?

As President Trump wraps up his term, his administration continues to churn out new federal rules.

Democratic state attorneys general say they stand ready to sue over all of those actions — particularly recent Clean Air Act rollbacks that come as the nation is gripped by the spread of a respiratory virus.

"People are dying from this pandemic, individuals with respiratory problems, and a lot of their respiratory problems are exacerbated by the air quality," said James. "To roll back all the progress that we've made in this nation under the previous administration is one of my reasons for my commitment to justice."

If presumptive Democratic nominee Joe Biden beats Trump in the election, the states' legal strategy would likely undergo a dramatic shift.

For now, though, blue states are focused on building their cases in court. New York recently spearheaded a challenge of the administration's new definition of which waterways and wetlands are subject to Clean Water Act protections, and more lawsuits are expected as the agencies rush to lock in final rules before the end of the year.

Hayes of the State Impact Center noted that the administration's late rollout of so many of its signature rules is due in part to states' success in fighting early efforts to repeal or delay Obama-era rules.

"It's been a huge victory for the AG community that we're now at the end of the term and only now are final rules going into place," he said.

"And guess what?" Hayes said. "The AGs are right at the courthouse door to stop their replacement rules."

INTERIOR

Judge nixes NEPA case but invites more coal leasing lawsuits

Niina H. Farah, E&E News reporter

Published: Tuesday, May 26, 2020



A federal judge in Montana tossed a lawsuit over whether the Bureau of Land Management has done enough to analyze the consequences of reversing an Obama-era moratorium on coal leasing. Dylan Brown/File/E&E News

This story was updated at 2:05 p.m. EDT.

A federal judge has jettisoned a lawsuit seeking to reinstate an Obama-era moratorium on coal leasing on public lands but left the door open to further litigation.

Chief Judge Brian Morris for the U.S. District Court for the District of Montana rejected arguments from green groups, tribes and states that the Bureau of Land Management should have done more to analyze the environmental impacts of allowing coal leasing to resume under a 2017 order from former Interior Department Secretary Ryan Zinke.

Morris previously ruled that BLM violated the National Environmental Policy Act by not conducting an analysis of the effects of reversing course on coal leasing and ordered BLM to conduct some assessment of environmental effects from the decision. The judge, an Obama appointee, did not specify what type of analysis was required.

On Friday, Morris agreed with the agency and intervenors in the case that the agency's decision to conduct an environmental assessment (EA) and issue a finding of no significant impact (FONSI), rather than release a more rigorous environmental impact statement, was sufficient.

He said the circumstances of the case did not warrant tossing the Zinke order.

"Federal Defendants have remedied the violation specified in the Court's Order (failure to initiate NEPA analysis) and any challenge to the EA and the FONSI is not appropriately before the Court," wrote Morris. "Plaintiffs remain free to file a complaint to challenge the sufficiency of the EA and FONSI and the issuance of any individual coal leases."

The decision came after Citizens for Clean Energy, the Northern Cheyenne Tribe and other challengers sought to make the case that a programmatic environmental impact statement (PEIS) was necessary to address the agency's NEPA violation when it overturned the moratorium put in place by former Interior Secretary Sally Jewell.

The temporary hold was meant to remain in place as the agency conducted the review of its entire coal leasing program. The Trump administration scrapped the PEIS before it could be completed.

While the groups maintained that the scope of the agency's review of its decision should have been broader, they did not directly challenge the analysis within the EA. They said that scrapping the Zinke order would result in a renewed hold on coal leasing, an argument the Trump administration rejected ([Energywire](#), May 14).

Morris said the challengers had repeated arguments the court had already considered and rejected when he ordered BLM to analyze its decisionmaking under NEPA. He also said the case law that green groups and tribes cited did not support their arguments.

He noted that while the court gives deference to federal agencies on how they choose to comply with NEPA, that does not mean BLM's decision won't then be subject to judicial review.

"Therefore, if Plaintiffs challenge the sufficiency of the EA and FONSI, the Court likely possesses the authority to determine whether the agency's environmental review complied with the Mineral Leasing Act, the Federal Land Policy and Management Act, and whether Federal Defendant's fulfilled their trust obligations to the Northern Cheyenne Tribe," Morris wrote.

Green groups and tribes are still considering whether to launch a separate lawsuit over the agency's analysis, said Earthjustice staff attorney Jenny Harbine.

She noted it was the Trump administration that sought to rehash arguments about why a "truncated review" of its decision to allow leasing on tens of thousands of acres of public lands was valid, which is why challengers reiterated their concerns about the scope of the agency's analysis.

"Now that the Trump administration has put together some type of environmental assessment, it doesn't matter how shoddy it is," Harbine said. "The procedural mechanism for obtaining that remedy is to challenge the EA."

Megan Crandall, a spokesperson for BLM, said the agency welcomed the recent decision from the court.

"We will continue to take actions that responsibly manage public lands to the benefit and enjoyment of all Americans," she wrote in an email.

EPA

Union to Wheeler: 'No justification' for reopening plans

Kevin Bogardus, E&E News reporter Published: Tuesday, May 26, 2020



Headquarters of the American Federation of Government Employees. Francis Chung/E&E News

EPA's largest employee union is denouncing the agency's plans to reopen during the COVID-19 pandemic.

American Federation of Government Employees Council 238, which represents about 7,500 EPA employees, sent a [letter](#) Friday to EPA Administrator Andrew Wheeler saying the union saw "no justification" to order workers back from teleworking to their offices given the risks from the coronavirus.

On Thursday, Wheeler told staff in an [internal email](#) that EPA would begin a slow, phased reopening, beginning with EPA Regions 4, 7 and 10. Employees would still telework during the initial weeks of the reopening and return to the workplace in waves as EPA leadership monitors data on the virus's spread ([Greenwire](#), May 22).

Those plans were a shock to the union.

"To our utter surprise, you informed the workforce yesterday that three EPA regional offices are being put on the path to re-open," the council said, adding that it saw no data or analysis that those offices met the criteria to be reopened.

The council, which is the umbrella group for all AFGE locals at EPA, said agency employees had not participated in the reopening plan, nor had EPA bargained any such plan with AFGE.

"It is particularly telling that the Agency refuses to share data and plans with a workforce heavy in scientific expertise," said the union.

An EPA spokeswoman told E&E News that the agency has had briefings on the pandemic with its employee unions beginning in March and continuing through May.

"As Administrator Andrew Wheeler stated last week, EPA's plan for an eventual phased return to agency offices will take a measured and deliberate approach that ensures our employees' health and safety. Throughout the COVID-19 pandemic, EPA has held seven formal briefings with its unions to discuss the agency's status and plans for reopening," said the agency spokeswoman.

Dianna Myers, president of AFGE Local 534, which represents EPA Region 4 employees, said she was concerned about the plans to reopen the Southeastern branch. Region 4's main office is in Atlanta.

"There is no apparent reason for the Region 4 office to be open. All I see is that this return to the office falls right in line with this administration's blatant disregard for the American people. The Georgia governor did the same thing when he reopened the state. Again, a blatant disregard for residents of Georgia," Myers said.

AFGE Council 238 had asked the EPA administrator in an April 29 [letter](#) to "put lives first" with regard to reopening the agency. Wheeler has stressed his concern for the health and safety of EPA employees during the pandemic in messages to staff, including in his announcement last week about reopening. But the union questioned those sentiments.

The union said in its Friday letter, "At best your actions contradict your stated priority, but in reality they demonstrate utter disregard for the EPA employees' health and welfare you claim to cherish."

The council said EPA workers should continue to telework during the pandemic, following public health experts' advice to stay home. AFGE has pushed for more telework in recent contract negotiations with EPA and made some gains on the issue in a deal that the union is scheduled to vote to ratify on June 10 ([Greenwire](#), May 20).

"In this way, we can perform the Agency's mission indefinitely, and help to stop the spread of this pandemic until EPA workers' safety can be guaranteed. For the vast majority of the Agency, that means we can continue teleworking until a viable treatment or vaccine for COVID 19 is found," said the union's letter.

The council concluded to Wheeler, "You say the health and safety of EPA employees and their dependents is your highest priority. We beg you to keep your word."

The EPA spokeswoman said, "The unions will continue to be regularly informed as the agency moves through its rolling reopening; however, the administrator talks directly to the employees and does not need to speak through the unions. The agency will fulfill any bargaining obligations required by law."

Gary Morton, president of AFGE Council 238, signed the letter to Wheeler. Morton told E&E News today that EPA hadn't yet responded to the letter.

Myers said the union has not seen a return-to-work plan and doesn't know what safety measures EPA plans to take other than what the Centers for Disease Control and Prevention guidelines recommend.

"Time and time again, EPA shows how it actually feels about its employees. EPA management's spoken words would have you believe EPA cares about employees, but EPA's actions show the direct opposite," Myers said.

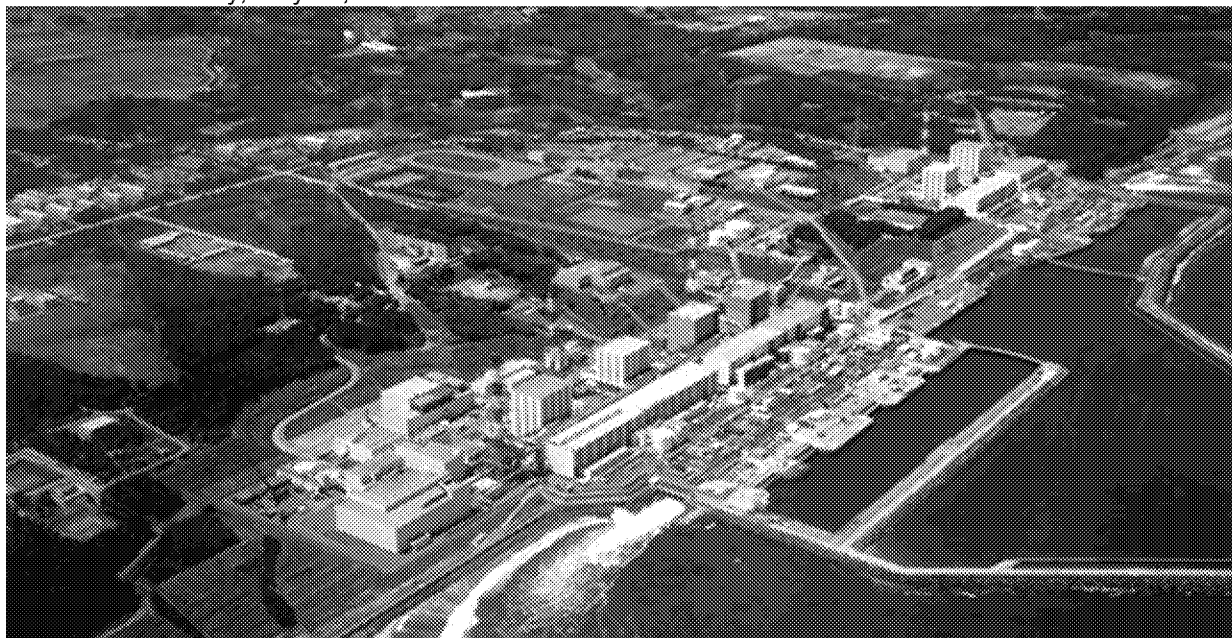
"From what I know, when your words and actions don't line up, it's a lie."

NUCLEAR

Service members can't seek Fukushima damages in U.S. — court

Jeremy P. Jacobs, E&E News reporter

Published: Tuesday, May 26, 2020



An aerial view of the Fukushima Daiichi nuclear power station. Tokyo Electric Power Co./Wikimedia Commons

U.S. service members who were exposed to radiation following the Fukushima Daiichi nuclear disaster cannot seek damages from the plant's owner in U.S. courts, a federal appeals court ruled Friday.

The case at the 9th U.S. Circuit Court of Appeals was brought by hundreds of servicemen and women who were deployed immediately after the March 2011 earthquake and tsunami that engulfed the Fukushima plant.

They were part of an international humanitarian effort, "Operation Tomodachi," to provide aid following the earthquake's devastation that would ultimately kill 15,000 and cause millions of dollars in damage.

Radiation continued to spew from the plant throughout their efforts in Japan, and they have sought monetary damages from Tokyo Electric Power Co., or Tepco, the owner and operator of the plant, and General Electric Co., which manufactured the plant's reactors.

The case has been percolating through the courts for years, drawing attention from both the Department of Justice and Japan's government.

On Friday, a three-judge 9th Circuit panel said the service members may not recover damages in U.S. courts, siding with Tepco, GE and, indirectly, Japan.

Tepco had argued the case belonged in the Japanese legal system, not in the U.S.

And in a 41-page opinion, the court agreed, upholding a lower court ruling.

"We acknowledge that the case is complicated. It implicates strong, important policy interests in both countries," wrote Judge Jay Bybee for the court.

"Having decided that Japanese law applies to the case and considering Japan's strong interest in the case being litigated in Japan, the district court did not abuse its discretion."

The case against GE was more straightforward. There, the court said a Japanese law said damages can only be sought from the operator of the plant, not a manufacturer.

"The district court correctly decided that Japanese law should apply to this case," Bybee wrote.

ARIZONA

5 juveniles accused of starting wildfire

Published: Tuesday, May 26, 2020

Five juveniles are accused of starting a wildfire in Yavapai County, Ariz., that forced the evacuation of 150 homes, authorities said

The fire burned 65 acres in the small town of Bagdad before being brought under control Friday.

The juveniles were smoking despite a fire ban for the area when the blaze began Thursday, according to county sheriff's officials.

They said the five juveniles — who range in age from 11 to 15 — all were seen running from the fire scene by witnesses.

Sheriff's officials said all five are facing charges of reckless burning while the 15-year-old suspect also is facing a felony charge of tampering with a witness.

The fire caused an estimated \$30,000 in damages. The names of the juveniles haven't been released.

Bagdad is about 60 miles west of Prescott and 100 miles northwest of Phoenix.

The copper mining town has a population of about 2,000. — *Associated Press*

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Wed., May 27, 2020

 READ FULL EDITION

1. COURTS:

Big Oil suffers pivotal losses in 2 climate cases

Some of the world's largest oil companies lost crucial appeals in federal court yesterday. The decisions could shape the outcome of lawsuits filed by California municipalities that accuse the industry of causing damage related to sea-level rise and other climate impacts.

TOP STORIES

2. ENERGY TRANSITIONS:

Coal spiral deepens with 13 plant closures announced in 2020

3. MEDIA:

YouTube removes Michael Moore film on clean energy

4. BUSINESS:

Amazon poised to defeat climate resolutions

POLITICS

5. HURRICANES:

Refuse to evacuate? It says something about your politics

6. CAMPAIGN 2020:

Ore.'s GOP Senate nominee believes QAnon but not climate

GLOBAL

7. EUROPE:

Hydrogen set for key role in world's greenest stimulus plan

8. AVIATION:

No green strings attached in Lufthansa's bailout package

9. PANDEMIC:

Tech pioneers are already living the green recovery

IN THE STATES

10. EXTREME WEATHER:

Heat wave to hit the Southwest

ENERGYWIRE — Wed., May 27, 2020

 READ FULL EDITION

1. PIPELINES:

'Blast zone' landowners fight FERC over eminent domain

Lynda Like has spent years embroiled in a lengthy, expensive and ultimately unsuccessful battle against the eminent domain practice used to seize her private property to build the Atlantic Sunrise natural gas pipeline in Pennsylvania.

TOP STORIES

2. NEW YORK:

Cuomo backs \$3B hydro line to 'supercharge' economy

3. NATURAL GAS:

Ore. landowners sue over 'indefensible' export project

4. EMISSIONS:

Report: Electric sector already met Obama's Clean Power Plan

FEDERAL AGENCIES

5. DOE:

Brouillette to watch space launch with Trump and Pence

6. SECURITY:

House Republicans want briefing on China hacking campaign

7. ENERGY INFRASTRUCTURE:

House Dems propose boost for landowners in FERC disputes

ELECTRICITY

8. UTILITIES:

PG&E's long-running bankruptcy saga enters pivotal stage

9. TECHNOLOGY:

Nuclear fusion startup gets \$84M to enter next phase

OIL AND GAS

10. PIPELINES:

Enbridge finds protective coating gaps on Mich. oil tunnel

11. ENERGY MARKETS:

Oil rallies, producers show confidence by hiking prices

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Jennifer Turley, Law Librarian
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Office of General Counsel
202/564-3971
turley.jennifer@epa.gov

Message

From: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Sent: 1/5/2022 10:42:32 PM
To: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Subject: Administrator's Weekly Report for 1/5/22
Attachments: Administrator Weekly Report 1.5.2022 FINAL.pdf; Administrator Weekly Report 1.5.2022 FINAL.docx

Hello Administrator Regan and colleagues,

Attached, please find the Administrator's Weekly Report (in both PDF and Word), which includes programs and regional office updates for the week ending January 5, 2022.

Sincerely,

Neshawne Gibson
Office of the Administrator
US Environmental Protection Agency
Phone: (202) 566-1957
Mobile: (202) 603-7617

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White Mesa Mill CERCLA Off-Site Rule Determination

- R8 and the Office of Radiation and Indoor Air will hold an informal conference with Mill owner/operator Energy Fuels on **January 6** to discuss EPA's initial determination that the Mill is unacceptable for receiving CERCLA wastes.
- If information presented in the informal conference does not support a determination of acceptability, Energy Fuels will have 10 calendar days after EPA issues a final notice of unacceptability, to request a reconsideration from the Regional Administrator.
- R8 is planning a site visit of White Mesa Mill on **January 13 and 14**. The State of Utah will be invited.

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Message

From: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Sent: 12/15/2021 7:02:17 PM
To: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Subject: Administrator's Weekly Report for 12/15/21
Attachments: Administrator Weekly Report 12.15.21 FINAL.pdf; Administrator Weekly Report 12.15.21 FINAL.docx

Hello Administrator Regan and colleagues,

Attached, please find the Administrator's Weekly Report (in both PDF and Word), which includes programs and regional office updates for the week ending December 15, 2021.

Sincerely,

Neshawne Gibson
Office of the Administrator
US Environmental Protection Agency
Phone: (202) 566-1957
Mobile: (202) 603-7617

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- **R8 Met with Utah Congressional Representatives Regarding the CERCLA Off-Site Rule Notice of Unacceptability Letter (the Notice) Issued to Energy Fuels Resources (USA) Inc. (Energy Fuels) for the White Mesa Mill near Blanding, Utah.** On **December 7 and 8**, the EPA met with Congressman John Curtis of Utah and representatives of Senator Lee and Senator Romney, to respond to their concerns regarding the Notice EPA issued to Energy Fuels on **December 2**. Congressman Curtis raised concerns that EPA was trying to shut down the White Mesa Mill. Representatives from all Utah congressional offices asked EPA to work more closely with Utah DEQ and assist in bringing the facility back into compliance with the Clean Air Act

Page [PAGE] of [NUMPAGES]

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Message

From: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Sent: 12/8/2021 11:23:55 PM
To: Gibson, Neshawne [Gibson.Neshawne@epa.gov]
Subject: Administrator's Weekly Report for 12/8/21
Attachments: Administrator Weekly Report 12.8.21 FINAL.pdf; Administrator Weekly Report 12.8.21 FINAL.docx

Hello Administrator Regan and colleagues,

Attached, please find the Administrator's Weekly Report (in both PDF and Word), which includes programs and regional office updates for the week ending December 8, 2021.

Sincerely,

Neshawne Gibson
Office of the Administrator
US Environmental Protection Agency
Phone: (202) 566-1957
Mobile: (202) 603-7617

Message

From: EPA Office of Public Affairs [epa@BulletinIntelligence.com]
Sent: 3/17/2022 10:57:55 AM
To: Bulletin Intelligence [epa@bulletinintelligence.com]
Subject: EPA Daily News Clips for Thursday, March 17, 2022

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Daily News Clips: Brought to you by the Office of Public Affairs

March 17, 2022

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Today's Table of Contents

Administrator

- New Orleans Residents Awarded \$75 Million For Homes Built On Landfill. (AP)

Air

- Long-Term Exposure To Air Pollution May Increase Risk Of RA, Other Autoimmune Diseases, Research Suggests. (HealthDay)
- Massive Walmart Distribution Center Burns In Indiana. (USA Today)

Brownfields/Superfund/Other Cleanups + Redevelopment

- EPA Adds Federal Facility Site In Oregon To Superfund NPL. (Inside EPA)
- Exxon Seeks To Expand Superfund Tax List. (Inside EPA)

Climate Change

- Appeals Court Rules Administration Can Consider Climate Damage In Policymaking. (Washington Post)
- Officials Tout Block Of Unlawful HFC Imports. (Inside EPA)
- Spending Bill Provides One-Third of Money White House Wanted For International Climate Programs. (Roll Call)
- Climate-Driven Scarcity Pushes Colorado To Conserve Water. (Reuters)
- Australian Federal Court Overturns "Landmark" Climate Ruling. (AFP)
- NTEA: Executives See Hydrogen As A "Third Way" To Reach Zero Emissions. (Fleet Owner)
- EPA Data Identifies Minnesota's Top Greenhouse Gas Polluters. (Minneapolis Star Tribune)
- Governor's Report Calls Virginia Carbon Program Too Expensive. (Richmond Times-Dispatch)
- California Lawmakers Push For Carbon Capture To Reduce Greenhouse Gases. (Orange County Register)
- Ukraine War's Impact On Future Of Climate Change Analyzed. (New York Times)
- Professor Studies Impact Of Heat Island Effect On Phoenix. (Arizona Republic)
- Federal Funds Help States Clean Up Environmentally Hazardous Orphaned Wells. (ABC News)
- Climate Change May Be Responsible For Recent Increases In Asthma, Allergy Disorder Prevalence, Expert Contends. (Healio)
- Continuing Coverage: Raskin Withdraws Due To Concerns About Her Position On Climate Change. (Politico)
- Students, Others Ask Nebraska Lawmakers To Acknowledge Climate Crisis. (Omaha World-Herald)
- World Far Short Of 2030 Climate Goals. (Reuters)
- Climate Change Is Disrupting The Global Supply Chain. (PBS NewsHour)
- Study: CH₄ Responsible For Over 80% Of Recent Atmospheric Methane Growth. (UPI)

Editorial/Op Ed/ Commentary/Letters

- WPost Lauds House's, Administration's Efforts To Help Veterans Exposed To Burn Pits. (Washington Post)
- Op-Ed: Culture Shift Needed To Increase Recycling In New York. (Newsday)
- Orange County Register: California Must Adapt To Drought. (Orange County Register)
- WPost Debunks Claims Putin Is Funding California Environmental Charity. (Washington Post)
- Op-Ed: Russian Invasion Challenges Green Aversion To Nuclear Power. (Bloomberg Opinion)

Energy Issues

- Biden Calls On Companies To Decrease Gas Prices. (The Hill)
- High Gasoline Prices Likely To Persist As Politicians Play Blame Game. (Houston Chronicle)

- Sen. Schumer Planning To Call Oil CEOs To Testify Before Congress. (E&E Publishing)
- Some Progressives Eye Domestic Drilling As Short-term Solution To Energy Crisis. (Bloomberg)
- Biden Administration Authorizes Additional LNG Exports To Europe. (Reuters)
- Manchin: US Must Boost Oil And Gas Production To Assure Energy Independence And Aid Europe. (MSNBC)
- Lake Powell Hits Historic Low, Raising Hydropower Concerns. (AP)
- Portugal To Launch 3-4 GW Floating Offshore Wind Auction In Summer. (Reuters)
- IEA Says Russia's Invasion Is Accelerating Transition From Fossil Fuels. (Bloomberg)
- Japanese Companies Develop System To Reduce Methane Slip On LNG-Fueled Vessels. (Splash 24/7)
- Community Solar Projects Having Trouble Connecting To Grid. (E&E Publishing)
- Poll Finds Majority Of Americans Support More Domestic Oil And Gas Production. (S&P Global)

Environmental Justice

- Census Undercounts Impact Environmental Justice Initiatives. (Grist)
- Pennsylvania Revising Environmental Justice Policy. (NPR)

Rules/Regulations/Policy

- CEQ Facing Interagency Pushback On "Narrow" NEPA Rewrite. (Inside EPA)

Toxics

- EPA: PFAS From Certain Plastic Can Violate Toxic Substances Control Act. (Bloomberg BNA)
- EPA Prohibits Production Of Preservative Used On Utility Poles. (Newsday)
- Freedhoff Aims To Balance TSCA Fenceline Screenings, "Urgency." (Inside EPA)
- DOD Takes Incremental Step On State PFAS Limits. (Inside EPA)
- Illinois Attorney General Says 3M Negligence Resulted In PFAS Contamination. (Bloomberg BNA)
- Farmers Back Plan For \$100M To Tackle PFAS Contamination. (AP)
- Pennsylvania Asks For Input On PFAS Rule. (NPR)
- "Agent Orange Of Our Generation:" Bill Would Aid PFAS-exposed Veterans. (MLive)
- Wisconsin PFAS Standards One Step Closer To Reality. (National Law Review)

Trash/Recycling/Solid Waste

- VW Says It's Cooperating In EU Car Recycling Antitrust Probe. (Bloomberg)
- Brazilian Biologists Find Presence Of Microplastics To Be Worse Than Feared. (Reuters)

Wastes and Hazardous Wastes

- Experts Warn Fate Of Oceans Hinges On Sewage, Waste Control. (Reuters)
- Septic Truck Releases At Least 500 Gallons Of Raw Sewage In Pennsylvania. (Allentown Morning Call)
- EPA: Atlanta Scrap Metal Plant Not Meeting Safety Requirements. (Atlanta Journal-Constitution)
- Report: White Mesa Uranium Mill Has Become "Radioactive Waste Dump." (The Hill)

Water

- Judge Fears Impacts Of Scrapping Florida CWA Section 404 Permit Power. (Inside EPA)
- Ohio Explosives Company To Pay \$2.3 Million Over Wastewater Pollution. (Bloomberg BNA)
- Florida's Starving Manatees Reflect Troubles In Coastal Ecosystems. (USA Today)
- MAWC Seeks Damages For Contamination Of Water System. (Westmoreland Tribune-Review)

ESG

- Russian Invasion Of Ukraine Highlights Flaws In ESG Investing. (Bloomberg)
 - SEC To Consider Climate Disclosure Rules. (GreenBiz)
 - HSBC Planning To "Phase Down" Fossil Fuel Investments. (Bloomberg)
 - Corporate Venture Funds Doubled Climate-Tech Investments Last Year. (Wall Street Journal)
 - Analysis: "Greenwashing" Calls Concept Of ESG Into Question. (Bloomberg)
 - Activist Investor's Occidental Petroleum Climate Proposal Will Go Before Shareholders This May. (Bloomberg)
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Administrator

New Orleans Residents Awarded \$75 Million For Homes Built On Landfill.

The AP (3/16) reports that "a group of New Orleans residents whose homes were built on a toxic landfill decades ago have won a \$75.3 million court judgement against the city, its housing authority and the local school board." State district Judge Nicole Sheppard's ruling "said 5,000 residents are entitled to that total amount for emotional distress and property damage involving the former Agriculture Street landfill." The ruling "says the housing authority and the parish school board were liable for building two residential communities – Gordon Plaza and Press Park – and Moton Elementary School atop the landfill, which was later named a federal Superfund site." Last November, EPA Administrator Michael Regan "toured the New Orleans site while making a five-day 'Journey to Justice' tour that highlighted low-income, mostly minority communities adversely affected by decades of industrial pollution."

[Back to top ▲](#)

Air

Long-Term Exposure To Air Pollution May Increase Risk Of RA, Other Autoimmune Diseases, Research Suggests.

HealthDay (3/16, Preidt) reports, "Long-term exposure to air pollution" may increase the "risk of rheumatoid arthritis [RA] and other autoimmune diseases," investigators concluded after having "analyzed health information on more than 81,000 people in Italy submitted by more than 3,500 doctors between June 2016 and November 2020," then examining "readings from 617 air quality monitoring

stations in 110 Italian provinces where the patients lived, with a focus on levels of particulate matter (PM10 and PM2.5) air pollution.” The findings were published online in RMD Open.

Massive Walmart Distribution Center Burns In Indiana.

USA Today (3/16) reports that “large plumes of thick smoke blanketed the air in Plainfield, Indiana, on Wednesday after a 1.2 million-square-foot Walmart distribution center caught fire.” According to the Avon Police Department, “the structure fire began around 1 p.m. Wednesday” and “the building was fully engulfed in flames by the time fire authorities arrived.” The Bureau of Alcohol, Tobacco, Firearms and Explosives “will be the lead agency in investigating the cause of the fire.” Meanwhile, “the Indiana Department of Environmental Management and the Environmental Protection Agency arrived Wednesday to assist in testing for hazardous materials and air quality issues from the fire.”

The Indianapolis Star (3/16) also reports.

[Back to top ▲](#)

Brownfields/Superfund/Other Cleanups + Redevelopment

EPA Adds Federal Facility Site In Oregon To Superfund NPL.

Inside EPA (3/16) reports that “EPA has formally added a contaminated Army Corps of Engineers site in Oregon to Superfund’s National Priorities List (NPL), taking a rare move of placing a federal facility onto the NPL – an action infrequently taken in the past decade – though in this case the agency faced considerable pressure from states, lawmakers and others.” In a Federal Register notice published March 16, EPA issued a final rule adding 12 sites to the NPL, considered the nation’s worst hazardous...

Exxon Seeks To Expand Superfund Tax List.

Inside EPA (3/16) reports that “Exxon Mobil Corporation is asking the Internal Revenue Service (IRS) to quickly add a dozen ‘taxable substances’ to its proposed list of chemical imports that will be subject to newly reinstated Superfund taxes, in order to level the playing field for exporters seeking to obtain a refund for taxes paid on chemicals comprising those substances.”

[Back to top ▲](#)

Climate Change

Appeals Court Rules Administration Can Consider Climate Damage In Policymaking.

The *Washington Post* (3/16) reports that “an appeals court on Wednesday lifted a ban blocking the federal government from factoring damage from rising greenhouse gas emissions into its decisions, offering a temporary reprieve for President Biden’s plans to tackle climate change.” The Post says “the ruling by the U.S. Court of Appeals for the 5th Circuit stayed an order issued last month by a U.S. District Court judge in Louisiana that prevented agencies from considering the harm climate change causes, known as the ‘social cost of carbon.’” Meanwhile, “the decision means that, at least until there’s a ruling on the case’s merits, the Biden administration can continue to consider the economic cost of climate change as it writes new rules, and strengthen existing ones, that could inch the country closer to Biden’s goal of cutting emissions in half by the end of the decade compared with 2005 levels.”

Politico (3/16, Guillén) reports that “while the stay is technically temporary, the three-judge panel’s order cast serious doubt on the underlying lawsuit brought by Louisiana and other red states.” Judges Leslie Southwick, a George W. Bush appointee, and James E. Graves Jr. and Gregg Costa, both Barack Obama appointees, wrote: “The Plaintiff States’ claimed injury is ‘increased regulatory burdens’ that may result from the consideration of [the social cost of greenhouse gases], and the Interim Estimates specifically. This injury, however, hardly meets the standards for [constitutional] standing because it is, at this point, merely hypothetical.” Meanwhile, “the judges also rejected the argument that the states can demonstrate the SCC figures caused any injury or could be redressed via an injunction.” In addition, “even if the states had standing to challenge the interim estimates, the panel wrote it was ‘unclear’ how that justified stopping the Interagency Working Group from completing work on a broader update.” Ultimately, “the states are too early in bringing a legal challenge, they wrote.”

The *Wall Street Journal* (*Request Article*) (3/17, Ferek) also reports.

Officials Tout Block Of Unlawful HFC Imports.

Inside EPA (3/16) reports that “the Biden administration is touting its initial efforts to block illegal imports of hydrofluorocarbons (HFCs) often used as refrigerants, an issue that officials have stressed to preserve the integrity of EPA’s rule sharply phasing down production of the chemicals that act as super climate pollutants.” *Inside EPA* says that “during a March 14 inaugural meeting of the Interagency Task Force on Illegal HFC Trade, officials announced that over the past 10 weeks they had blocked illegal HFC shipments representing about 530,000 tons of carbon.”

The *Washington Post* (3/16) reports that “the task force was established last year after the EPA finalized a rule to cut the use and production of the chemicals by 85 percent over the next 15 years.” Joe Goffman, principal deputy assistant administrator for the Office of Air and Radiation, said: “Strict enforcement of our HFC allowance program ensures that U.S. efforts to phase down these climate-damaging chemicals are successful.” President Biden has “nominated Goffman to lead the EPA’s air office permanently.”

Spending Bill Provides One-Third of Money White House Wanted For International Climate Programs.

Roll Call (3/16, Hulac) reports that the spending bill President Biden signed Tuesday “provides about one-third of the money the White House, the House and the Senate wanted to spend on international climate programs and stripped out all congressional money for a fund for low-income nations to mitigate and adapt to the impacts of climate change.” The Administration’s fiscal 2022 budget request “called for about \$2.7 billion in international climate finance, up from \$669 million the previous fiscal year, while the

House appropriators called for about \$2.8 billion and their Senate counterparts approved approximately \$3.13 billion. But the final deal will allocate far less than any of the three parties wanted: roughly \$1.06 billion.” Roll Call says the measure “undercuts Biden’s pledge at the U.N. in September to increase climate financing for low-income nations and will place American negotiators at upcoming international climate talks on weaker footing with their foreign counterparts, experts said.”

Climate-Driven Scarcity Pushes Colorado To Conserve Water.

Reuters (3/16, Bryson) reports vertical farms are “one of many Colorado models for coping with increasing water scarcity in the western United States, as climate change makes droughts more frequent and more severe.” Other initiatives “have Coloradans testing water recycling and building barriers against the wildfire runoff that can taint supplies.” In the Western US, “drought and earlier runoff from an increasingly diminished snowpack will increase water scarcity during the summer, the Intergovernmental Panel on Climate Change said.” Although “Colorado so far has met the water needs of its 6 million residents, it could face a roughly 30% shortfall by 2050 as the population grows while climate impacts escalate, according to one likely scenario experts prepared for the state’s official Water Plan.”

Australian Federal Court Overturns “Landmark” Climate Ruling.

The AFP (3/15) reports an Australian court has thrown out “a landmark legal ruling that the country’s environment minister had a duty to protect children from climate change.” Last year’s legal win by a group of high school students “had been hailed by environmental groups as a potential legal weapon to fight fossil fuel projects.” However, “the federal court found in favour of an appeal by Environment Minister Sussan Ley, deciding she did not have to weigh the harm climate change would inflict on children when assessing the approval of new fossil fuel projects.”

NTEA: Executives See Hydrogen As A “Third Way” To Reach Zero Emissions.

Fleet Owner (3/16, Achelpohl) reports NTEA Work Truck Week 2022 attendees “were quick to point out that hydrogen fuel cell-powered trucks continue to represent a ‘third way’” to reach zero emissions. Executives from Hyzon Motors, Cummins, and Loop Energy led a session during the summit about “hydrogen and how fuel-cell power can impact vocational fleets and the work truck market.” Hyzon CEO Craig Knight said, “Hydrogen’s absolutely critical to the transition to clean operations.” Cummins Executive Director of Growth Morgan Andreae said, “There is more capacity to store energy on [an HFC] than an electric battery. There is more energy per electric kilogram stored. There is longer range and the ability to refuel quickly. Refuel times are comparable to conventional diesel.” Fleet Owner reports that the Hydrogen Council “estimates there will be 50,000 hydrogen-powered buses and 350,000 hydrogen-powered trucks on the world’s roads by 2030.”

EPA Data Identifies Minnesota’s Top Greenhouse Gas Polluters.

The Minneapolis Star Tribune (3/16) reports on a list of Minnesota’s top greenhouse gas polluters, Minnesota’s Greenhouse 100. The list is based on data from the EPA’s Greenhouse Gas Reporting Program. The Star Tribune says “it tracks emissions from both the combustion of fuels to operate the facility and from specific industrial processes” but “doesn’t count emissions upstream or downstream from the plant.” Also, “it doesn’t track any emissions from farms or large livestock operations.” According

to the EPA data, “Minnesota’s Greenhouse 100 pumped about 40 million metric tons of greenhouse gases into the atmosphere in 2019...about one quarter of the state’s total.”

Governor’s Report Calls Virginia Carbon Program Too Expensive.

The *Richmond (VA) Times-Dispatch* (3/16, Wilson) reports that “a report from Virginia’s new director of the Department of Environmental Quality backs Gov. Glenn Youngkin’s view that a program to reduce carbon dioxide emissions is a carbon tax without benefit to consumers.” Meanwhile, “supporters of the Regional Greenhouse Gas Initiative criticized the new report as leaving out key facts and drawing self-serving conclusions – one critic called the report ‘policy laundering.’” The report concludes, “Because of the captive nature of their ratepayers, the ability for power-generators to fully pass on costs to consumers, and the fact that the Code of Virginia dedicates RGGI proceeds to grants programs, participation in RGGI is in effect a direct carbon tax on all households and businesses. RGGI fails to achieve its goal as a carbon ‘cap-and-trade’ system because it lacks any incentive for power-generators to actually reduce carbon-intensive gas emissions.”

California Lawmakers Push For Carbon Capture To Reduce Greenhouse Gases.

The *Orange County (CA) Register* (3/16) reports that “California could embrace a groundbreaking program to capture greenhouse gases by planting more trees, restoring wetlands and promoting more carbon-absorbent farming, thanks to proposed legislation that would set a goal of removing 60 million metric tons of carbon dioxide from the air each year.” Assemblywoman Cristina Garcia’s “draft bill, AB 2649, sets a goal of 60 million metric tons of natural carbon dioxide capture by 2031 and 75 million metric tons by 2036.” The bill “would require the Natural Resources Agency to develop programs to meet those goals.”

Ukraine War’s Impact On Future Of Climate Change Analyzed.

The *New York Times* (3/16, Bokor-Lindell) reports that commentators have been “pointing out the role that Russia’s fossil fuel trade has played in underwriting the invasion, thrusting climate change and its causes back into the spotlight.” Oleg Ustenko, an economic adviser to the Ukrainian president, Volodymyr Zelensky, said: “The world is paying Russia \$700 million a day for oil and \$400 million for natural gas. You are paying all this money to a murderous leader who is still killing people in my country.” Meanwhile, President Biden “has been wary of connecting the war in Ukraine to climate change.” In his State of the Union address, he made glancing mention of the issue, but “did not articulate the long-term opportunity for the U.S. to lead the world in breaking free of the geopolitical nightmare that is oil dependency,” said Paul Bledsoe, a strategic adviser to the Progressive Policy Institute, a Washington-based think tank.

Professor Studies Impact Of Heat Island Effect On Phoenix.

The *Arizona Republic* (3/16) reports that “between 2010 and 2020, Maricopa County built more than 173,000 new housing units, according to the latest report from the U.S. Census Bureau, along with extra roads, stores and offices to accommodate those new residents. Over that same time period, the average annual temperature in Phoenix, as recorded by the National Weather Service, rose by about two degrees Fahrenheit.” Matei Georgescu, a professor of Geographical Sciences and Urban Planning at

Arizona State University, said: "For a city like Phoenix, which 50 years ago was just a small dot on the map, the more you build the more you warm." He "estimates that roughly half of recent warming in the Phoenix metro area is due to the expansion of man-made structures that absorb solar energy" while "the rest is due to greenhouse gases."

Federal Funds Help States Clean Up Environmentally Hazardous Orphaned Wells.

ABC News (3/16) reports that "a major effort to combat climate change — reducing methane emissions — is now underway as \$1.15 billion flows to states to help close unused oil and gas wells that release pollution and greenhouse gases." ABC says "the funds stem from the Bipartisan Infrastructure Law, which in total allocated \$4.7 billion over nine years for a new federal program to address orphan wells." ABC reports "the new funding focuses specifically on orphaned wells, a subset of the estimated 2 to 3 million abandoned wells in the United States that, combined, release greenhouse gases equal to 1.5 to 4 million cars annually, according to the EPA Greenhouse Gas Equivalencies Calculator."

Climate Change May Be Responsible For Recent Increases In Asthma, Allergy Disorder Prevalence, Expert Contends.

Healio (3/16, Gawel) reports "the effects of climate change may be responsible for recent increases in asthma and allergy disorder prevalence, spectrum and severity, according to an editorial" by Cincinnati Children's Hospital division of allergy and immunology director Marc Rothenberg, MD, PhD. Healio adds "genetic predisposition is a contributing factor to disease susceptibility, yet the rise of these diseases has occurred too quickly to be explained by a genetic shift in the population, said Rothenberg." The editorial was published in The Journal of Allergy and Clinical Immunology.

Continuing Coverage: Raskin Withdraws Due To Concerns About Her Position On Climate Change.

Politico (3/16, Choi) reports that "Republicans succeeded in their campaign to sink the nomination of Sarah Bloom Raskin as a top bank regulator at the Fed. But it's just one battle in their fight against financial regulators' growing attention toward climate change." Raskin "bowed out of the running Tuesday, citing the heated push from fossil fuel interests and conservative interest groups against her nomination." Sen. Joe Manchin (D-WV) "put the final nail in the coffin this week when he said he would not back her, saying she didn't adequately prove she'd support all sources of energy." She wrote in a letter to Biden, "It was — and is — my considered view that the perils of climate change must be added to the list of serious risks that the Federal Reserve considers as it works to ensure the stability and resiliency of our economy and financial system."

Grist (3/16) reports that Manchin said, "Her previous public statements have failed to satisfactorily address my concerns about the critical importance of financing an all-of-the-above energy policy to meet our nation's critical energy needs." In a statement responding to Raskin's withdrawal, Biden said he looks forward to "her future contributions to our country" and urged the Senate Banking Committee to confirm his four other Fed nominees.

Paul Waldman writes at the [Washington Post](#) (3/16) that “the failure of Raskin’s nomination shows just how difficult it will continue to be to make progress, when so many people and interests are so committed to stopping us from dealing with the catastrophe that is already upon us.”

Megan McArdle writes in the [Washington Post](#) (3/16) that Sarah Bloom Raskin is right that “climate change is a real and urgent problem, and society needs to take much more strenuous action to head it off.” But she is wrong in her “oft-stated belief that economic regulators should play a bigger role in that fight.” McArdle says her withdrawal from consideration “to be the Fed’s top bank regulator on Tuesday...freed the Biden administration to do what it should have done in the first place: nominate someone who will keep their focus on stabilizing banks.”

Michael Hiltzik writes at the [Los Angeles Times](#) (3/16) that “the truth is that fossil fuel interests opposed Raskin because she would be a smart, effective regulator.”

Students, Others Ask Nebraska Lawmakers To Acknowledge Climate Crisis.

The [Omaha \(NE\) World-Herald](#) (3/16) reports that “Lincoln student Alex Hamric pleaded with Nebraska lawmakers to, at a minimum, recognize the impacts of climate change, but the 14-year-old was doubtful that his words would hold any weight.” He “was one of five individuals who, during a hearing Wednesday, advocated for the Natural Resources Committee to pass Legislative Resolution 102.” The [World-Herald](#) says “the committee did not vote on the resolution.” The resolution “asks the Legislature to acknowledge that the world is in a ‘climate and ecological crisis’ that was caused by humans and that lawmakers have a ‘moral obligation’ to take steps to mitigate the crisis.”

World Far Short Of 2030 Climate Goals.

[Reuters](#) (3/16, Volcovici) reports, “Climate action promised by countries would reduce greenhouse gas emissions by 9% in this decade – far short of the global goal of cutting emissions by nearly half by 2030, a new analysis shows.” Columbia University’s Center on Global Energy Policy conducted the study by tallying nations’ climate plans – “known as Nationally Determined Contributions, or NDCs.” The results show a discrepancy between “the ambition of NDCs and the trajectory necessary to meet net-zero emissions by 2050.” According to researchers, “failing to meet the 2030 emissions target risks pushing the world toward irreversible climate impacts, even if a second goal of net-zero emissions by 2050 is met.”

Climate Change Is Disrupting The Global Supply Chain.

[PBS NewsHour](#) (3/16) reports on how climate change is disrupting the global supply chain. Supply chain disruptions “caused by hurricanes, floods, wildfires, and other forms of increasingly extreme weather are jolting the global economy.” For example, “the Texas freeze last February caused the worst involuntary energy blackout in U.S. history. That forced three major semiconductor plants to close, exacerbating a global pandemic-triggered semiconductor shortage and further slowing production of microchip-dependent cars.”

Study: CH4 Responsible For Over 80% Of Recent Atmospheric Methane Growth.

UPI (3/16, Uria) reports that “tropical terrestrial methane emissions were the driving factor of changes in methane growth over the past decade, according to a study released Wednesday.” According to the study published in Nature Communications, “more than 80% of observed changes in the global atmospheric methane growth rate from 2010 to 2019 were the result of tropical terrestrial methane emissions, or CH₄.” One of the study’s authors, Yi Liu, professor at the Institute of Atmospheric Physics of the Chinese Academy of Sciences, “said CH₄ was the primary non-carbon dioxide greenhouse gas.” Yi said, “On the 20-year scale, the warming effect of CH₄ is 84 times that of CO₂.”

[Back to top ▲](#)

Editorial/Op Ed/ Commentary/Letters

WPost Lauds House’s, Administration’s Efforts To Help Veterans Exposed To Burn Pits.

In an editorial, the *Washington Post* (3/16) says “thousands of U.S. servicemen and women who were exposed to hazardous pollutants from burn pits the military used to dispose of its waste in the post-9/11 wars” are “struggling with debilitating and sometimes life-threatening lung diseases.” But change may be coming because “the House passed a sweeping, bipartisan bill that would expand health-care eligibility for veterans exposed to burn pits during their service.” Even if the bill “fails to reach” President “Biden’s desk, his administration has signaled that it will seek to expand eligibility for benefits to burn pit victims in the next year.” The Post says that even “though legislation would be better, the prospect of administration action is good news for veterans, who have long struggled to draw attention to their health-care needs.”

Op-Ed: Culture Shift Needed To Increase Recycling In New York.

Jimmy Winters writes at *Newsday* (NY) (3/16) that “the attempt to promote and instill more green-centric waste management and recycling programs is a communal effort that all New Yorkers must embrace.” He says “New York State legislators are vital to the cause as they have the ability to enact policies and improve existing laws.” He offers several policy suggestions, including: fixing the out-of-date Bottle Bill, stimulating markets, closing the loop, being careful with extended producer responsibility, and focusing on zero waste.

Orange County Register: California Must Adapt To Drought.

In an editorial, the *Orange County (CA) Register* (3/16) says that “reading the tree rings from Montana to northern Mexico, from Pacific beaches to the Colorado Rockies, a team of scientists led by a UCLA researcher has shown that the current long-term drought in the West is the most severe in 1,200 years.” The Register says “we are going to continue to live here, successfully. We are simply going to adapt.” They suggest building “the Sites Reservoir in the Sacramento Valley,” redoubling “efforts to irrigate all landscaping with recycled, purple-pipe water,” and understanding “that desalination is going to be (an expensive) part of the picture for coastal communities.”

WPost Debunks Claims Putin Is Funding California Environmental Charity.

The *Washington Post* (3/17, Kessler) reports that a letter signed by every GOP member of the House Energy Committee, written to several environmental groups, dated March 10, states: "It has been alleged that [Russian President Vladimir] Putin is using a San Francisco-based e-NGO, the Sea Change Foundation (Sea Change), to funnel money into U.S.-based environmental advocacy efforts designed to undermine American energy production." The letter also "demanded answers by March 25 from three environmental groups – the League of Conservation Voters (LCV), the Natural Resources Defense Council (NRDC), and the Sierra Club – on whether they have received funding from Russia or China and whether any funding from Sea Change, an environmental philanthropy, was used for anti-fracking advocacy." The Post goes on to debunk the claims made in the letter, concluding that the lawmakers "are recycling claims that have already been adequately debunked" and "it's a smarmy way to earn some publicity during Russia's invasion of Ukraine."

Op-Ed: Russian Invasion Challenges Green Aversion To Nuclear Power.

Jonathan Ford writes at *Bloomberg Opinion* (3/17) that "ever since the 1970s, European Green parties have argued passionately for cutting carbon emissions from the continent's energy, while at the same time reflexively shunning the world's only reliable source of zero-carbon electricity: nuclear power." However, "Russia's Ukrainian invasion is punching big holes in the logic of this position." He says "the real question now is whether Greens can look beyond the dogma to the wider issues in play, such as Europe's lack of energy security, so glaringly exposed by the crisis, and the contribution existing nuclear plants can make to emissions reduction."

[Back to top ▲](#)

Energy Issues

Biden Calls On Companies To Decrease Gas Prices.

The Hill (3/16, Budryk) reports that in a tweet Wednesday, President Biden "called on companies to decrease gas prices...stating that the cost at the pump should reflect the recent decrease in oil per barrel." Biden wrote "Oil prices are decreasing, gas prices should too. Last time oil was \$96 a barrel, gas was \$3.62 a gallon. Now it's \$4.31. Oil and gas companies shouldn't pad their profits at the expense of hardworking Americans."

A *Wall Street Journal* (*Request Article*) (3/16) editorial takes issue with Biden's tweet. The Journal says there is not conspiracy to raise gas prices. Retailers set prices based on what they anticipate future deliveries will cost and right now, they are unsure.

Schumer Says Oil And Gas Execs Will Be Called To Testify About Gas Prices. Roll Call (3/16, Hulac) reports Senate Majority Leader Schumer said Wednesday that oil and gas company executives will be called to testify before Congress "in the coming weeks" and answer questions about possible price gouging. Speaking on the Senate floor, Schumer said, "The CEOs of large oil and gas companies should be advised they'll have to provide answers before the Senate very soon. ... Over the

past few weeks, as war in Ukraine began, the price of a barrel of oil rose precipitously. ... That immediately translated to oil and gas companies raising the price for Americans at the pump. But something is happening that Americans shouldn't overlook. ... Over the past few days, oil prices have actually been decreasing but the price of gas at the pump has not."

Meanwhile, The CBS Evening News[📺] (3/16, 6:42 p.m. EST, story 5, 2:10, O'Donnell) highlights the impact of high fuel costs, particularly on the trucking industry.

High Gasoline Prices Likely To Persist As Politicians Play Blame Game.

The Houston Chronicle (3/16, Greider) reports that high gasoline prices are likely to persist through the summer. The war in Ukraine "is the proximate cause of crude oil prices spiking, analysts say," and Russian President Vladimir Putin "is the cause of the war in Ukraine." But according to some Republicans, President Biden "is nonetheless to blame for the gas prices, if only because he hasn't done enough to encourage more domestic oil and gas production."

Sen. Schumer Planning To Call Oil CEOs To Testify Before Congress.

E&E Publishing (3/16, Dillon) reports Senate Majority Leader Chuck Schumer (D-NY) said during a floor speech on Wednesday that he intends to make the CEOs of major oil firms testify about alleged price gouging. Schumer's announcement "did not indicate which committee would hold such a hearing, although multiple panels could claim jurisdiction, including those of Energy and Natural Resources Chair Joe Manchin (D-W.Va.); Commerce, Science and Transportation Chair Maria Cantwell (D-Wash.); and Finance Chair Ron Wyden (D-Ore.)."

House Committee Wants Oil Executives To Testify In April. Newsweek (3/16) reports US House Energy and Commerce Committee Chair Frank Pallone (D-NJ) on Wednesday addressed a letter to the CEOs of Shell, BP, Chevron, ExxonMobil, Pioneer Natural Resources, and Devon Energy Corporation asking for "testimony in an April 6 hearing" regarding possible profiteering. Although US gasoline prices "had risen prior to Russia's war on Ukraine, prices skyrocketed to reach all-time highs after Russian President Vladimir Putin ordered his military to invade the country last month."

Some Progressives Eye Domestic Drilling As Short-term Solution To Energy Crisis.

Bloomberg (3/16, Dillard) reports current "oil market tumult" has some progressive Democrats rethinking their once-steadfast opposition to new domestic oil and gas drilling. Although new oilfield investments will take several months to affect the market, equivalent investments in alternative energy will take years to have an impact. Rep. Ro Khanna (D-CA) said in an interview, "In the short term, yes, we need domestic increase in oil production. ... And that obviously, is going to not be consistent in the very short term with climate aspirations. But I think over the long term, we can still have our climate goals." However, other progressives including Reps. Pramila Jayapal (D-WA) and Alexandria Ocasio-Cortez (D-NY) are maintaining their opposition to increased US oil production.

Biden Administration Authorizes Additional LNG Exports To Europe.

Reuters (3/16) reports the Biden Administration on Wednesday "said on Wednesday it had authorized additional exports of liquefied natural gas from Cheniere Energy in a move that can likely help Europe

deal with an energy crunch worsened by Russia's invasion of Ukraine." The approvals from the Department of Energy (DOE) "allow Cheniere's Sabine Pass, Louisiana and Corpus Christi, Texas, terminals flexibility to export the equivalent of 0.72 billion cubic feet per day (bcfpd) of LNG to any country with which the United States does not have a free trade agreement, including all of Europe." Cheniere Energy said in a statement, "This authorization will allow for additional operational flexibility for us and our customers during this pivotal time and for decades to come."

The AP (3/16) reports American Petroleum Institute VP for Natural Gas Markets Dustin Meyer said "the world needs every molecule it can get" to wean off Russian energy supplies. DOE said "every operating U.S. LNG export project has approval from DOE to export its full capacity to any country where not prohibited by U.S. law or policy." DOE also "said the U.S. is the world's top exporter of liquified natural gas, with exports expected to grow 20% this year as additional capacity comes online." Cheniere Energy "said its Sabine Pass facility in Louisiana and its Corpus Christi plant in Texas have been improved and are making more gas than covered by previous export permits."

Offshore Energy (3/17, Pekic) reports Sen. Bill Cassidy (R-LA) "announced the DOE will grant an export license to the Sabine Pass terminal." Cassidy said, "Finally, this export license is long overdue for Southwest Louisiana." He added, "We need an Operation Warp Speed to expedite energy production and exports. It will create jobs, lower energy prices and improve national security."

The Hill (3/16, Frazin) reports the DOE "said that its latest move would give every U.S. LNG export project the ability to export at full capacity." Russia's invasion of Ukraine has put a spotlight on LNG as European countries aim to reduce dependence on Russian energy imports. The Hill adds, "Climate advocates have raised concern about the [LNG's] contribution to climate change."

The LNG Journal (3/17) reports DOE said in a statement that it "remains committed to finding ways to help our allies and trading partners with the energy supplies they need."

KPLC-TV Lake Charles, LA (3/17, 4:36 a.m. CDT) reported, "The fallout from the Russian invasion of Ukraine could include reduced energy supplies to Western Europe. Southwest Louisiana could help bridge the gap. Federal officials have approved Cheniere Energy's plans to expand liquefied natural gas exports from the Sabine Pass LNG terminal in Cameron Parish." Additional broadcast coverage provided by **KVHP-TV** Lake Charles, LA (3/16, 10:05 p.m. CDT). Also reporting are the **Korea Times** (3/16) and the **Washington Examiner** (3/16).

Manchin: US Must Boost Oil And Gas Production To Assure Energy Independence And Aid Europe.

In an appearance on **MSNBC's Morning Joe** (3/16), Sen. Joe Manchin (D-WV) said Russian President Vladimir Putin "has weaponized energy," and "used it against Europe." According to Manchin, "Europe made some decisions that have not been good for them, and they're paying the price because of their dependency on dirty, dirty Russian oil and natural gas. ... The least we can do is ramp up, and do everything we can to maintain our energy independence, but also...be able to backfill every way possible." Manchin added, "We can make sure we produce the cleanest resources...from fossil, but also be able to segue into a cleaner environment with the investments to transition. ... We should be ramping up production" and "doing everything we can to maintain our independence. ... And if we don't get Europe up and loaded for next winter, for the summer when they depleted all their reserves, there's going to be a big problem coming."

Lake Powell Hits Historic Low, Raising Hydropower Concerns.

The AP (3/16, Metz, Fonseca) reports that “a massive reservoir known as a boating mecca dipped below a critical threshold on Tuesday raising new concerns about a source of power that millions of people in the U.S. West rely on for electricity.” The AP says “Lake Powell’s fall to below 3,525 feet (1,075 meters) puts it at its lowest level since the lake filled after the federal government dammed the Colorado River at Glen Canyon more than a half century ago – a record marking yet another sobering realization of the impacts of climate change and megadrought.” Meanwhile, “federal officials are confident water levels will rise in the coming months once snow melts in the Rockies. But they warn that more may need to be done to ensure Glen Canyon Dam can keep producing hydropower in the years ahead.”

Portugal To Launch 3-4 GW Floating Offshore Wind Auction In Summer.

Reuters (3/16, Goncalves) reports Portugal is expected to hold its first floating offshore wind auction during the summer, which will aim to provide “between 3 and 4 gigawatts (GW) of power in 2026, Environment and Energy Transition minister Joao Matos Fernandes told Reuters.” Fernandes said, “Portugal wants to become a major exporter of renewable energy in the future and therefore has to bet on wind offshore.” Fernandes also “lamented the environmental licensing of large onshore wind farms was ‘becoming more complicated, due to the ecological footprint they always have,’ but said Portugal could side-step that by using floating turbines in its deep coastal waters.” Floating offshore wind is “seen as the final frontier in the offshore wind industry” and “is gaining traction in countries such as Britain, France and parts of south-east Asia.” Additional coverage is provided by: [Renewables Now](#) (3/16) and [Offshore Engineer](#) (3/16).

IEA Says Russia’s Invasion Is Accelerating Transition From Fossil Fuels.

Bloomberg (3/16, Herron) reports the disruption of “oil and gas markets triggered by Russia’s invasion of Ukraine could accelerate the world’s transition away from fossil fuels, said the International Energy Agency.” Following the announcement of US and UK bans on oil import from Russia, “the IEA will publish a report later this week advising its members on how to curb short-term fuel demand.” The IEA said in a monthly report, “Today’s alignment of energy security and economic factors could well accelerate the transition away from oil.” The agency has “cut its estimate for demand this year by about 1 million barrels a day.”

Japanese Companies Develop System To Reduce Methane Slip On LNG-Fueled Vessels.

Splash 24/7 (SGP) (3/16) reports, “In a potential big breakthrough on shipping’s path to decarbonisation, the Japanese look like they have minimised the issue of methane slip for ships using LNG as a fuel.” Hitachi Zosen, Mitsui OSK Lines (MOL), and Yanmar Power Technologies “have received approval in principle from ClassNK for a methane oxidation catalyst system, which could cut methane slip from ships by more than 70%.” The system “reduces methane slip by placing a methane oxidation catalyst in an LNG fuel engine and oxidising the methane.” This marks “the first time in the world that a methane oxidation catalyst system has received approval in principle.”

Community Solar Projects Having Trouble Connecting To Grid.

E&E Publishing (3/16, Willson) reports that “Colorado utility regulators began collecting data last summer about the process for connecting small carbon-free energy projects to the grid system.” The state public utilities commission “found that 41 percent of community solar projects withdrew their applications to connect to the grid through the local utility Public Service Company of Colorado in 2019 and 2020, underscoring what some say is a growing barrier for clean energy across the country.” E&E says “developers from New England to California say problems connecting to the grid is an often-overlooked issue that is strangling new rooftop and community solar projects.” Meanwhile, “research from the University of California, Berkeley, also suggests that interconnection problems in California, the largest solar market in the country, are disproportionately common in historically disadvantaged communities.”

Poll Finds Majority Of Americans Support More Domestic Oil And Gas Production.

S&P Global (3/16, Evans) reports, “The war in Ukraine and the subsequent steep rise in oil prices has turned the tide of public sentiment as an industry-sponsored survey finds a majority of voters in Colorado, a state which recently passed the strictest drilling setbacks in the US, now support increased domestic oil and gas drilling.” The survey, conducted by business intelligence company Morning Consult on behalf of the American Petroleum Institute, “polled hundreds of registered voters of all stripes in eight US states” and “found 85% believe producing more natural gas and oil in the US could help lower energy costs for American consumers and small businesses.” Among Colorado voters, “the survey found about 80% agreed domestic oil and gas production could help make the US more secure against actions by Russia and other countries, bolster international standing and national security and help lower energy prices.”

[Back to top ▲](#)

Environmental Justice

Census Undercounts Impact Environmental Justice Initiatives.

Grist (3/16) reports that “the 2020 census results...are...poised to play a key role in the Biden administration’s signature environmental justice program, which promises that at least 40 percent of the benefits of government spending on infrastructure, clean energy, and other climate-related programs will be directed to disadvantaged census tracts.” On Thursday, “the U.S. Census Bureau released a statistical analysis that illuminated a persistent trend in the undertaking: the undercounting of people of color.” Grist says “given the persistence of extreme residential segregation in the U.S., low population tallies in communities of color can drive divestment and divert much-needed dollars for things like affordable housing, transportation, health care, and environmental remediation.” Meanwhile, “environmental justice projects like replacing lead pipes, cleaning up contaminated soil, updating failing sewage systems, and fortifying housing stocks against heat waves, storms, and floods could also suffer.” Finally, “undercounts can lead to communities of color having diluted political representation if districts are drawn based on incomplete data.”

Pennsylvania Revising Environmental Justice Policy.

NPR (3/16) reports that “officials with the Department of Environmental Protection (DEP) released a final draft revision of the state Environmental Justice Public Participation Policy Friday.” Justin Dula, acting director of the state’s Office of Environmental Justice, said: “We’re looking to sort of build on and expand from that policy from critiques we’ve heard. Back in 2004, Pennsylvania was leading the way and was fairly early in having a policy around environmental justice. But some other states have surpassed us since then. So we’re looking to again be on the forefront with this policy.” NPR says “the draft revision significantly broadens the existing policy, which dates back to 2004 and provides residents of so-called ‘environmental justice areas’ extra information and engagement opportunities during the permitting process for projects in their neighborhoods...that will impact the environment or public health.”

[Back to top ▲](#)

Rules/Regulations/Policy

CEQ Facing Interagency Pushback On “Narrow” NEPA Rewrite.

Inside EPA (3/16) reports that “the White House Council on Environmental Quality (CEQ) is facing pushback from federal agencies that are warning its draft final phase 1 National Environmental Policy Act (NEPA) rule fails to meet administrative law requirements and will only sow confusion and cause delays of critical infrastructure projects, sources say.” Inside EPA says “the draft version of the final rule, which is currently undergoing Office of Management & Budget (OMB) review, seeks to ‘narrowly’ revise how agencies implement the bedrock environmental law.”

[Back to top ▲](#)

Toxics

EPA: PFAS From Certain Plastic Can Violate Toxic Substances Control Act.

Bloomberg BNA (3/16) reports that “PFAS released by certain types of plastic containers may be illegal, the EPA warned companies making, using, and disposing the canisters in an open letter released Wednesday.” The EPA said “treating high-density polyethylene (HDPE) plastic containers with fluorine gas, which is done to protect chemicals and other substances stored in them, can unintentionally “manufacture” per- and polyfluoroalkyl substances, or PFAS.” The EPA said “that manufacture could be a new use of the chemicals that violates Toxic Substances Control Act regulations the EPA has issued to control these chemicals.”

E&E Publishing (3/16, Crunden, Wittenberg) reports that “the presence of so-called forever chemicals in pesticides may stem from a violation of federal chemical law, according to an announcement today from EPA.” In an open letter, “EPA announced several actions amid an ongoing investigation scrutinizing plastic containers fluorinated with PFAS.” Now, “EPA says the contamination may constitute a violation

of the Toxic Substances Control Act, which regulates chemicals nationwide. EPA issued the letter to HDPE manufacturers, processors and other relevant parties, informing them that the presence of per- and polyfluoroalkyl substances may fly in the face of federal law. The chemicals can be formed as byproducts in the containers.” Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff said, “Today’s action will help ensure that responsible parties are held accountable for any future PFAS contamination affecting communities.”

Inside EPA (3/16) also reports.

EPA Prohibits Production Of Preservative Used On Utility Poles.

Newsday (NY) (3/16) reports that EPA “has ‘canceled’ production of an ‘extremely toxic’ wood preservative that had been the focus of ratepayer protests over PSEG’s installation of tall wooden utility poles treated with the substance.” Newsday says “the substance, pentachlorophenol, or penta, had been used for decades as the preservative of choice for wooden utility poles, despite findings that it was ‘extremely toxic’ to humans and a ‘probable’ carcinogen.” The agency’s ruling said, “EPA found that given the emergence of viable alternatives, the risks pentachlorophenol poses to workers’ health outweigh the benefits of its use.” Newsday reports “production, distribution and sale of the preservative must end by February, 2024.” Meanwhile, “existing stocks of penta-treated poles and other products can continue only through Feb. 2027.”

Freedhoff Aims To Balance TSCA Fenceline Screenings, “Urgency.”

Inside EPA (3/16) reports that “chemicals chief Michal Freedhoff told EPA science advisors on March 15 that the agency see its screenings of Trump-era TSCA evaluations for fenceline community exposures as a difficult balancing act, where insufficient action could leave out vulnerable communities while formally supplementing the documents will delay regulations by a year or more.”

DOD Takes Incremental Step On State PFAS Limits.

Inside EPA (3/15) reports that “as EPA prepares to regulate per- and polyfluoroalkyl substances (PFAS) under waste and water laws, the Defense Department (DOD) is taking an incremental step toward following stricter state drinking water standards though DOD and the states remain at odds over whether the military is required to comply with such requirements.” Settling a long-running legal issue, “one top official recently issued guidance that gives the services the option of complying with state drinking water standards that may be stricter than EPA’s.”

Illinois Attorney General Says 3M Negligence Resulted In PFAS Contamination.

Bloomberg BNA (3/16) reports that “3M Co. violated Illinois statutes by negligently discharging, disposing, and abandoning PFAS at one of its facilities, state Attorney General Kwame Raoul said in a Wednesday court filing.” Raoul “asserted in a lawsuit filed in Illinois Circuit Court that St. Paul, Minn.-based 3M has illegally ‘discharged, emitted, placed, disposed of, leaked, spilled, and/or abandoned’ perfluoroalkyl and polyfluoroalkyl substances (PFAS) at its Cordova, Ill. Facility.”

Farmers Back Plan For \$100M To Tackle PFAS Contamination.

The AP (3/16) reports, “Maine farmers and the state’s agriculture commissioner have testified in favor of a proposal that would create a \$100 million fund to help pay for problems caused by long-lasting chemicals.” The article adds, “The Maine Legislature is considering creating the fund to do things like help farmers pay for water and soil tests and cover crop and animal losses related to perfluoroalkyl and polyfluoroalkyl contamination.” According to the article, “The main concern from some who testified on the bill on Wednesday was that \$100 million wouldn’t be enough, the Portland Press Herald reported.”

Pennsylvania Asks For Input On PFAS Rule.

NPR (3/16, McDevitt) reports that Pennsylvania “is asking for feedback on a proposed rule to limit what are known as ‘forever chemicals’ in drinking water.” The Department of Environmental Protection “is proposing a maximum contaminant level of 14 parts per trillion for the chemical PFOA and an MCL of 18 ppt for PFOS.” DEP Secretary Patrick McDonnell said, “It is noteworthy, it’s the first time in the commonwealth where we have set our own MCL, not simply adopted a federal standard.” The EPA “recommends a limit of 70 ppt for the two chemicals combined, though it is also working on new regulations.”

“Agent Orange Of Our Generation:” Bill Would Aid PFAS-exposed Veterans.

MLive (MI) (3/16, Ellison) reports, “The Veterans Exposed to Toxic PFAS Act (VET PFAS Act) would require the U.S. Department of Veterans Affairs (VA) to cover treatment for certain health conditions related the exposure to PFAS chemicals — a ubiquitous problem at military bases around the county where chemical-based firefighting foam was used in training and emergencies.” The article adds, “Under the bill, several illnesses associated with PFAS exposure would be considered ‘service-connected’ disabilities, making veterans and their families eligible for disability payments and medical treatment from the VA without forcing them through an onerous process to prove a connection between their symptoms and exposure to contaminants.”

Wisconsin PFAS Standards One Step Closer To Reality.

The National Law Review (3/16, Gardella) reports, “The Wisconsin Department of Natural Resources’ (WDNR) Natural Resources Board (NRB) recently voted to recommend to state leaders three PFAS-related regulatory steps, which will have significant impacts on companies in Wisconsin.” The article adds, “Wisconsin’s NRB recently recommended that the state take three steps with respect to the passage of PFAS-related standards for the state: (1) adopt a drinking water standard of 70ppt for PFOA and PFOS, (2) adopt a surface water standard of 8 ppt for PFOS in surface waters that can support fish, and (3) not adopt any standard for PFAS standards for groundwater contamination.”

[Back to top ▲](#)

Trash/Recycling/Solid Waste

VW Says It’s Cooperating In EU Car Recycling Antitrust Probe.

Bloomberg (3/16, Raymund) covers Volkswagen announcing its cooperation with the European Commission's antitrust investigation into several automakers and companies colluding in recycling end-of-life vehicles. VW added it received a request from authorities and has applied for leniency due to its cooperation.

Brazilian Biologists Find Presence Of Microplastics To Be Worse Than Feared.

Reuters (3/16) reports, "Biologists in Rio de Janeiro studying the presence of microplastics in marine life off the coast of Brazil's postcard city have found that the impact of plastic pollution is far worse than they had feared." Plastic objects that wind up in the ocean can break down into small pieces known as microplastics which then "end up inside fish and other creatures." According to the researchers, "even sea urchins extracted from what was thought to be a clean area surrounding the Cagarras islands – designated a natural monument since 2010 – show traces of plastic on the inside."

[Back to top ▲](#)

Wastes and Hazardous Wastes

Experts Warn Fate Of Oceans Hinges On Sewage, Waste Control.

Reuters (3/16) reports, "The world's oceans are suffocating from a lack of oxygen caused by global warming and human pollution from sewage and industrial waste, and we are running out of time to fix the problem, experts and diplomats warned on Wednesday." During a "preparatory meeting in Brasilia for the United Nations Ocean Conference in June, they stressed that saving the oceans requires solving drinking water and sanitation needs on land to stop uncontrolled dumping in the sea." The U.N. Ocean Conference (UNOC) "will be held in Lisbon from June 27 to July 1, and will be co-hosted by Portugal and Kenya."

Septic Truck Releases At Least 500 Gallons Of Raw Sewage In Pennsylvania.

The **Allentown (PA) Morning Call** (3/15, Kummer) reports that "a truck used to empty residential septic systems leaked with reports varying between 500 to 1,000 gallons of untreated sewage off a roadway in a rural area of South Coatesville borough Tuesday morning." South Coatesville Police Chief Kevin Pierce "said the leak occurred about 11:45 a.m. when a glass used by the driver to view inside the tank broke while the truck was parked on the 2000 block of Upper Gap Road." Pierce said "the Chester County hazardous materials team was called...and both the Pennsylvania Department of Environmental Protection and U.S. Environmental Protection Agency were notified."

EPA: Atlanta Scrap Metal Plant Not Meeting Safety Requirements.

The **Atlanta Journal-Constitution** (3/16) reports that the EPA "says that a scrap metal processing facility in south Atlanta still has not made all of the safety improvements required by an emergency order issued against the company more than two months ago." At a virtual public meeting, "an EPA official told

residents that her agency notified TAV Holdings Inc. in February that it was not in compliance with the agency's order." The EPA order issued on January 10 "warned that hazardous waste found emanating from a scrap metal processing plant could pose an 'imminent and substantial' danger to humans and the environment." At Tuesday's public meeting, Carol Kemker, the director of the agency's Region 4 Enforcement and Compliance Assurance Division, "said that, while the company has taken steps to better contain its waste, it has not addressed some terms of the order." She "did not specify which provisions TAV has not complied with yet, but said the EPA is closely monitoring the company's progress."

Report: White Mesa Uranium Mill Has Become "Radioactive Waste Dump."

The Hill (3/16, Udasin) reports, that "the White Mesa uranium mill, located just a mile from Bears Ears National Monument, now houses more than 700 million pounds of toxic waste – making the Utah desert site 'America's cheapest radioactive waste dump,' a new report has found." According to the report, which was published on Monday by the Grand Canyon Trust, "Polluters are finding that the cheapest place to send unwanted radioactive waste is the White Mesa Mill – but it's not a waste dump, it's a uranium mill. If the White Mesa Mill wants to act like a radioactive waste dump, it should be regulated like one." Although the EPA "prohibited the mill from accepting waste from federal hazardous waste sites in December, due to concerns about the emission of toxic radon gas, that order does not bar other radioactive waste deliveries." In response to the report's findings, "the Utah Department of Environmental Quality's Division of Waste Management and Radiation Control affirmed the White Mesa Mill's adherence to state and national exposure regulations."

[Back to top ▲](#)

Water

Judge Fears Impacts Of Scrapping Florida CWA Section 404 Permit Power.

Inside EPA (3/16) reports that "a federal judge appeared sympathetic to environmentalists' claim that the Trump administration's approval of Clean Water Act (CWA) dredge-and-fill permitting powers for Florida was procedurally flawed, but during a March 15 hearing struggled with whether they were directly harmed by those violations and whether any remedy would lead to 'chaos.'"

Ohio Explosives Company To Pay \$2.3 Million Over Wastewater Pollution.

Bloomberg BNA (3/16) reports that "Austin Powder Company has agreed to upgrade the wastewater treatment operations at its Red Diamond explosives manufacturing plant near McArthur, Ohio, and pay a civil penalty of \$2.3 million." The complain alleges "the facility has had hundreds of discharges of pollutants since 2013, which violates the effluent limitations in its permits." The facility "also did not fully comply with an earlier Environmental Protection Agency administrative order on consent about these concerns, according to the complaint." The proposed settlement "says Austin Powder will invest around \$3 million to improve two of its wastewater treatment plants."

Florida's Starving Manatees Reflect Troubles In Coastal Ecosystems.

USA Today (3/17) reports that "state and federal biologists have been feeding manatees since mid-December to stave off a mass starvation that's been going on in the Indian River Lagoon for more than a year." USA Today says "a series of algae blooms decimated vast seagrass beds where the sea cows once grazed in the Indian River Lagoon on the Central Florida coast." State records show "a reported 1,101 manatees died last year...up to 10% or more of the estimated manatee population in 2016, the most recent number available." USA Today reports "the manatee deaths illustrate how ecosystems already weakened by human activities and a changing climate can plunge into disaster when one event spirals through a food chain. And they are the latest and possibly highest profile casualty in a series of similarly devastating events that plague coastal areas around the globe."

MAWC Seeks Damages For Contamination Of Water System.

The Westmoreland (PA) Tribune-Review (3/16, Cholodofsky) reports, "The Municipal Authority of Westmoreland County has filed a lawsuit against more than two dozen chemical companies, accusing them of manufacturing of toxic substances and contaminating the local water system." The lawsuit alleges that PFAS were manufactured despite warnings of potential toxicity and damage to water systems. According to the Tribune-Review, "Companies such as 3M, Carrier, Chemours and DuPont, among others, were named as defendants in the lawsuit. Lawyers said another 100 unnamed designers, manufacturers, marketers and sellers of the chemicals also were listed as defendants."

[Back to top ▲](#)

ESG

Russian Invasion Of Ukraine Highlights Flaws In ESG Investing.

Bloomberg (3/16, Quinson) reports that for a while now, "managers of big funds touting their supposed focus on the environment, social issues and corporate governance have been faulted for holding shares of fossil-fuel purveyors (including Exxon Mobil Corp. and Chevron Corp.), weapons manufacturers (like Raytheon Technologies Corp.) and mining companies (such as Newmont Corp.)." Critics "have only grown louder since Vladimir Putin launched his war against Ukraine almost three weeks ago, killing thousands so far." It has "emerged that so-called ESG funds had at least \$8.3 billion allocated to Russian government bonds and companies." Although "the figure is small compared with the roughly \$2.7 trillion devoted to ESG-related funds, the revelation has turbocharged skepticism about the merits of ESG investing."

SEC To Consider Climate Disclosure Rules.

GreenBiz (3/16, Walters, Manson) reports the "biggest experiment yet in mandated disclosure may be an expected U.S. Securities and Exchange Commission proposal to extend these ideas to climate impacts facing U.S.-listed companies." Climate disclosure regulations "would require publicly traded companies to release information to investors about their emissions and how they are managing risks related to climate change and future climate regulations." Although "it is easy to spot climate change-

related risks facing companies such as ExxonMobil that produces and sells fossil fuels that contribute to global warming, hidden vulnerabilities exist for businesses across the U.S. economy.”

HSBC Planning To “Phase Down” Fossil Fuel Investments.

Bloomberg (3/16, Marsh) reports HSBC Holdings Plc. officials said in a statement Wednesday that the firm will “phase down” its financing for the fossil fuel industry as part of an effort to meet the bank’s net-zero emissions target. HSBC officials said the bank will continue working with energy sector clients “who take an active role in the energy transition and who apply good industry practices around environmental, social, and governance issues.” HSBC Chief Sustainability Officer Celine Herweijer said, “We believe we can have the biggest impact on climate action by actively engaging our clients on their transition, focusing on the need for robust and credible transition plans, and by providing the financing and advisory solutions that help unlock the investments needed.”

Corporate Venture Funds Doubled Climate-Tech Investments Last Year.

The Wall Street Journal ([Request Article](#)) (3/16, Chin) reports corporate venture funds last year invested \$23.2 billion in climate-technology companies – a broad sector that includes renewable energy, energy storage and electric vehicles. That is double the amount invested in 2020, according to PitchBook Data Inc. However, the investments come with financial risk as clean-technology startups’ valuations are increasingly scrutinized over carbon-reduction commitments.

Analysis: “Greenwashing” Calls Concept Of ESG Into Question.

Bloomberg (3/16, Quinson) reports that “managers of big funds touting their supposed focus on” ESG principles “have been faulted for holding shares of fossil-fuel purveyors...weapons manufacturers...and mining companies. ... In fact, the largest ESG-focused exchange-traded fund – the \$22.9 billion iShares ESG Aware MSCI USA ETF (ESGU) – has almost 3.1 percent of its assets invested in the oil and gas sector, the industry most responsible for the accelerating destruction of the planet’s atmosphere.” This trend and revelations that “so-called ESG funds had at least \$8.3 billion allocated to Russian government bonds and companies” have brought the entire concept of ESG investing into question. According to commentary from former Ukrainian Finance Minister Natalie Jaresko, “the phenomenon of greenwashing has now morphed into ‘ESG-washing.’”

Activist Investor’s Occidental Petroleum Climate Proposal Will Go Before Shareholders This May.

Bloomberg (3/16, Freitas) reports Occidental Petroleum must bring activist investor Follow This’ climate proposal to a shareholder vote in May, according to an SEC letter to the company. The proposal “outlines how to meet climate targets under the Paris Climate Agreement.” The SEC’s decision “is another victory for climate activists, who have increasingly pressured fossil fuel companies to disclose a solid plan on how to slash their emissions.” In 2021, oil majors “from ExxonMobil Corp. to Shell Plc. faced shareholder rebellions over climate issues during their annual investor gatherings.”

The Financial Times (3/16) also reports.

[Back to top ▲](#)

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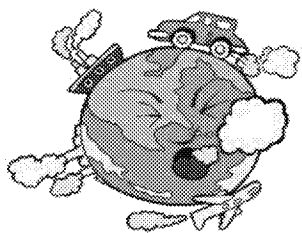
CORRECTION: This news alert is for today April 7th, not the 6th.

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EPA Library Support During COVID-19 Pandemic**Tell us how we're doing - rate our customer service!**<http://www.surveymonkey.com/s/epalibsurvey>**From:** OGCLibrary <OGCLibrary@epa.gov>**Sent:** Wednesday, April 7, 2021 11:05 AM

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Subject: Air & Radiation Law News for April 06, 2021



Air & Radiation Law News for April 06, 2021

**Bloomberg
Environment**

Environment & Energy

EPA Chief Sees Replacing Lax Trump Tailpipe Rules This Summer

EPA Administrator Michael Regan says the Biden administration is on track to propose by the end of July new limits on the emission of greenhouse gases from automobiles that are strong enough to meet “the urgency of the climate crisis.”

‘Demands of the Day’: In an exclusive interview yesterday with Bloomberg News, Regan noted that “the science indicates we have a short window in time to reverse the path that we’re on and mitigate against certain climate impacts.” He also highlighted California’s unique role in fighting pollution, the return of the U.S. to the Paris climate accord, the potential role of a carbon tax and the urgent need to replace hundreds of scientists shed by the agency under former President Donald Trump.

Signal Strength: An Environmental Protection Agency rewrite of a Trump-era regulation relaxing limits on emissions from certain vehicles is shaping up to be an early test of President Joe Biden’s commitment to fighting climate change—even when

industry opposes the measures. Regan signaled that the agency wouldn't yield to pressure from automakers to water down the tailpipe emissions requirements, given that the transportation sector is now the top U.S. source of planet-warming pollution.

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Leading the News

EPA Urged to Regulate Methane, Ethane Under Air Standards

More than 400 groups sent a letter Tuesday to the Environmental Protection Agency calling for rules that would regulate smog-forming methane and ethane emissions under national air standards.

📎 [Document Attached](#)

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Exxon Gets Short-term Freeze of Deceptive Marketing Case (1)

A federal appeals court has agreed to temporarily freeze D.C. court proceedings in litigation that accuses Exxon Mobil Corp. of misleading the public about its investments in clean energy.

📎 [Documents Attached](#)

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Law Students Fault Gibson Dunn for Dakota Pipeline, Chevron Work

Gibson Dunn & Crutcher should set an ethical standard for representing fossil fuel companies, a student law group said Wednesday, citing the firm's work on the Dakota Access Pipeline.

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Energy Department Must Face Suit Over 'Secretive' Coal Council

The Department of Energy's allegedly active role in a coal advisory corporation's operations supports a lawsuit challenging its "secretive nature," a Montana federal court said Tuesday.

 Documents Attached

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Why the World Awaits Biden's Pledge on Climate Change: QuickTake

The U.S. is developing a new goal for reducing greenhouse gases, a required step after President Joe Biden rejoined the Paris Agreement. Biden says America's new commitment—officially known as a nationally determined contribution, or NDC—will be much more ambitious than its initial one.

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Chart: U.K. Says Its Seabed Is More Valuable Than Oil

The U.K.'s seabed is more valuable as a carbon sink absorbing pollution from industry than as a source of oil and natural gas, official estimates from the government's Office for National Statistics show.

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Climate

Yellen Backs Aligning U.S. Portfolios With Climate Goals (1)

Treasury Secretary Janet Yellen on Tuesday outlined her department's plans on fighting climate change with remarks that are likely to ramp up a dispute with Republican lawmakers over the appropriate use of financial regulation on that front.

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John Kerry To Push India on Net Zero Target Ahead of Global Meet

U.S. climate envoy John Kerry is in New Delhi this week to push Prime Minister Narendra Modi's government to boost its climate ambitions as it considers announcing a net zero target ahead of a virtual summit later this month.

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Putin Plans to Attend Biden Climate Summit Despite 'Killer' Jibe

Russian President Vladimir Putin plans to take part in a climate summit organized by U.S. counterpart Joe Biden, according to two officials with knowledge of the preparations in Moscow.

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PayPal Pledges to Reach Net-Zero Greenhouse Emissions by 2040

PayPal Holdings Inc. said it would achieve net-zero greenhouse-gas emissions by 2040 as it looks for ways financial technology can prevent climate change.

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Bitcoin Blockchain Operations in China Threaten Climate Goals

The energy consumption and carbon emission from Bitcoin mining will undercut China's climate efforts without more stringent regulations and policy changes, according to a study published in Nature Communications this week.

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Energy & Natural Resources

Costs of Uranium Mine Near Grand Canyon Considered, Agency Says

The U.S. Forest Service considered all relevant environmental costs and properly excluded sunk costs when it found Energy Fuels Resources Inc. had valid existing rights to mine near the Grand Canyon, the agency tells the Ninth Circuit.

📎 Documents Attached

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EV-Battery Rivals SK, LG Race Clock to Sway Biden on Import Ban

Two of the world's largest electric-vehicle battery makers have hired top Washington insiders to hold near-daily meetings with the Biden administration in a battle that could affect the electrification plans of Ford Motor Co. and Volkswagen AG.

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Occidental CEO Rejects U.S. Carbon Tax in Break With Big Oil (2)

Occidental Petroleum Corp. has split from some of its larger rivals by rejecting a potential U.S. carbon tax, saying that it prefers the existing system of tax credits designed to encourage oil companies to store carbon dioxide and reduce emissions.

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InsideEPA
MORNING ALERT

Latest News

Environmentalists Press EPA For Multipollutant Power Sector Agenda

Major environmental groups are urging President Joe Biden to set a “clear and aggressive schedule” for EPA to curb climate and conventional pollutants from power plants using air, water and waste laws, underscoring the pressures facing the fossil fuel-fired plants regardless of whether Congress enacts clean energy measures. [FULL STORY](#)

In Multipollutant Bid, Petition Seeks VOC Rules For Oil & Gas Methane

A coalition of more than 400 environmental groups is petitioning EPA to regulate oil and gas industry emissions of the greenhouse gas methane as a volatile organic compound (VOC) in Clean Air Act permits to curb not only methane but also ozone, part of environmentalists’ growing push for multipollutant air rules for specific sectors. [FULL STORY](#)

EPA Call For CASAC Members Might Delay Review Of Trump NAAQS Rules

EPA Administrator Michael Regan’s decision to disband the Clean Air Scientific Advisory Committee (CASAC) and seek new members might delay the agency’s review of controversial Trump rules that opted against tightening the national ambient air quality standards (NAAQS) for ozone and particulate matter (PM), sources say. [FULL STORY](#)

CASAC Dismissal Wins Praise From Environmentalists, State Air Officials

Environmentalists, public health advocates and some state air regulators are praising EPA Administrator Michael Regan’s decision to dismiss the entire Clean Air Scientific Advisory Committee (CASAC) and seek new members, saying the move should ultimately result in more scientifically defensible reviews of ambient air standards. [FULL STORY](#)

GREENWIRE

AN E&E NEWS PUBLICATION

CLIMATE

Appeals court scraps 2 Trump emissions rules

[Pamela King](#) and [Niina H. Farah](#), E&E News reporters

Published: Tuesday, April 6, 2021



The U.S. Court of Appeals for the District of Columbia Circuit yesterday tossed two emissions rules for landfills and other sources, like oil refineries. Alan Levine/Flickr (landfill); Pedro Szekely/Flickr (oil refinery)

A federal appeals court has granted the Biden administration's request to dump two Trump-era EPA rules on greenhouse gas emissions from landfills, energy facilities and other sources.

The U.S. Court of Appeals for the District of Columbia Circuit issued a short order yesterday scrapping the Trump administration's 2019 rule delaying implementation of an Obama-era regulation governing landfill emissions.

Landfills are the nation's third-largest source of human-released methane, a potent greenhouse gas.

The Trump administration had argued that delaying the rule was necessary to give states more time to craft their implementation plans under the 2016 "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills."

Trump's EPA cited a ruling from the 9th U.S. Circuit Court of Appeals that gave the agency more time to act on methane emissions from landfills (E&E News PM, Oct. 22, 2020).

Arguments in the D.C. Circuit case were scheduled for Feb. 22 but canceled at the Biden administration's request (Greenwire, March 5).

The Environmental Defense Fund, one of the environmental challengers in the case, applauded the D.C. Circuit's decision to toss the delay rule and send EPA back to work on the issue.

"It's great news that the court has now fully vacated the rule, and it's urgent that the Biden administration finalize a plan to reduce landfill pollution nationwide as soon as possible," Rachel Fullmer, a senior attorney for the group, said in a statement.

Exemption rule

In a separate order yesterday, the D.C. Circuit threw out the Trump administration's last-minute bid to limit which sectors could be subject to greenhouse gas regulations.

Under the rule, EPA would have exempted source categories from regulation that produced less than 3% of total U.S. emissions, deeming those sources too small to lead to dangerous levels of pollution.

The sources included oil and gas production facilities, petroleum refineries and boilers. EPA billed the new threshold as a way to avoid regulating 10 additional source categories.

The Trump administration had surprised observers by tucking the brand new regulation within a final rule for New Source Performance Standards for new and modified coal-fired power plants.

Biden's EPA had submitted an unopposed motion last month to toss out the rule, noting among other problems that its predecessors had failed to seek public comment on the final rule ([Greenwire](#), March 18).

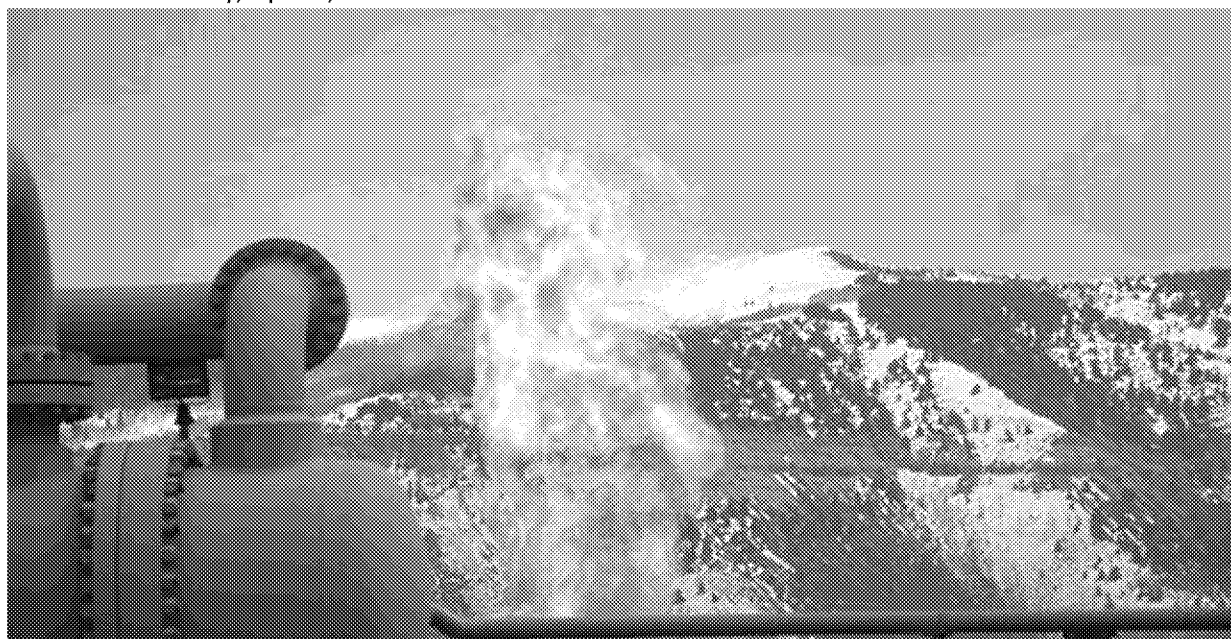
The D.C. Circuit sent both rules back to EPA for further consideration.

AIR POLLUTION

Enviros push EPA to toss waiver for ozone-forming emissions

[Sean Reilly](#), E&E News reporter

Published: Tuesday, April 6, 2021



An oil and gas site burns off methane. Tim Hurst/Flickr

This story was updated at 4:35 p.m. EDT.

In a move with potentially far-reaching consequences for both the oil and gas industry and the Biden administration's climate agenda, environmental advocacy groups are pushing EPA to scrap a long-standing policy that waives regulation of methane and ethane as smog-forming pollutants.

In a [petition](#) submitted today, the Center for Biological Diversity, joined by hundreds of other organizations, asked the agency to reverse a 1970s-era decision that exempts the two hydrocarbons from treatment as volatile organic compounds (VOCs), saying that "massive" emissions "contribute appreciably to local and regional ozone levels."

Methane in particular is also a potent heat-trapping gas, meaning that any resulting reductions would contribute "positively" to efforts to slow global warming, the petition says.

Ozone, a lung irritant that is the main ingredient in smog, is spawned by the reaction of VOCs and nitrogen oxides in sunshine. Typically, states must require chemical manufacturers and other industries in areas that fail to meet national ground-level ozone standards to limit VOC emissions.

But over the years, EPA has given dozens of compounds a pass on classification as VOCs in that regulatory context. Leading the list are methane and ethane, exempted in 1977 on the grounds that they are "negligibly reactive" as a contributor to ozone formation. Methane is the main component in natural gas; ethane is also widely used in plastics production.

But the science underlying that conclusion is outdated, the petition says, adding that the two chemicals are "far more prevalent" in the atmosphere than any regulated VOC. Both also contribute to compliance problems with EPA's ground-level ozone standards, especially near oil and gas operations, the document says.

EPA will review and respond to the petition, a spokeswoman said in an email. Under the Clean Air Act, the agency can't "unreasonably delay" a decision but otherwise does not face a hard deadline, Robert Ukeiley, a Center for Biological Diversity attorney who filed the petition with members of a University of Colorado environmental law clinic, said in an interview.

At the American Petroleum Institute, the oil and gas industry's lead trade group, a spokesperson did not take a position on the petition. But as part of the institute's Climate Action Framework, the industry backs "direct regulation of methane from new and existing sources," the spokesperson said in an email after this story was published. To cut emissions across the entire supply chain, API also promotes reductions in refinery releases of greenhouse gases, he said.

If granted, the petition's effect would be significant, Ukeiley said.

In Colorado, for example, every oil and gas well is deemed a "minor" emissions source for permitting purposes, he said. Factor in releases of methane and ethane, however, and they would fall under the "major source" umbrella that entails stricter control requirements, he said. Other sources include petrochemical plants and agriculture, Ukeiley said.

At WildEarth Guardians, another signer to the petition, Climate and Energy Program Director Jeremy Nichols predicted that the impact on pipelines and other operations further "downstream" in the processing process would be particularly pronounced. Asked whether he expects the petition to be granted in the face of probable industry opposition, Nichols said he takes President Biden at his word in his oft-proclaimed commitment to combating climate change.

"We have every expectation that EPA is going to follow through," Nichols said.

Under the Trump administration, EPA rolled back Obama-era methane regulations on new and modified oil and gas operations. That move is now being challenged in federal court by California and other states (*Greenwire*, Sept. 14, 2020). At the Biden administration's request, proceedings in that litigation before the U.S. Court of Appeals for the District of Columbia Circuit are now on hold.

If EPA grants the petition, however, existing sources of ethane and methane would also be included in the states' inventories of VOC emissions and thus be subject to regulations aimed at ensuring compliance with ground-level ozone standards.

"It's going to be a big deal," Nichols said.

ENERGYWIRE

AN E&E NEWS PUBLICATION

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Clues are emerging about how interim Bureau of Land Management Director Nada Culver may change oil, NEPA, sage grouse and public lands policy.

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Inslee to Biden: Brag more about climate action

The White House is asking Gov. Jay Inslee for advice on infrastructure messaging. He suggested focusing the debate on climate change.

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BEEF INDUSTRY CAN CUT EMISSIONS WITH IMPROVEMENTS IN LAND MANAGEMENT, PRODUCTION EFFICIENCY

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Today's Table of Contents

Administrator

- City Of Chicago Denies Southside Recycling Permit. (AP)
- Regan Visits Detroit To Unveil Basement Protection Program, Talk About GLRI. (WJBK-TV Detroit)
- Power Plant Emissions Rose In 2021. (E&E Publishing)
- Three More US Food Loss And Waste Champions Named. (Pro Food World)

- Opinion: EJ Needs Whole-Of-Government Approach. (The Hill)
- Democrats Hope Infrastructure Projects' Popularity Will Help Them Stay In Office. (E&E Publishing)

Air

- Environmentalists, California Want Stronger EPA Aircraft PM Rule. (Inside EPA)
- Consent Decree Signed On WY Coal-Burning Power Plant. (E&E Publishing)

Brownfields/Superfund/Other Cleanups + Redevelopment

- Environmentalists Seeking Data Update At Superfund Site. (Inside EPA)

Budget/Recovery Act

- EPA Working To Include Local Government Advice On BIL Implementation. (Inside EPA)

Climate Change

- Experts Say Supreme Court Could Curtail EPA's Authority To Fight Climate Change. (NPR)
- Judge's Ruling On Social Cost Of Carbon May Temporarily Upend Numerous Agency Decisions. (Washington Post)
- SEC Considers Rules For Disclosing Greenhouse-Gas Emissions. (Wall Street Journal)
- Kerry: Geopolitical Tensions Could Hinder Global Climate Efforts. (AP)
- Outgoing Deputy Climate Envoy Discusses Biden Administration's Climate Change Progress. (NPR)

Editorial/Op Ed/ Commentary/Letters

- Attorneys: Supreme Court Should Challenge EPA's Overreach. (The Hill)
- Column: Federal Reserve Not The Right Place To Push Climate Change Policy. (Bloomberg)
- Opinion: US LNG Exports Should Be Encouraged, Not Banned. (Dallas Morning News)

Energy Issues

- Environmental Rules Deal New Blow To US Natural Gas Pipelines. (Financial Times)
- Florida Legislators Consider Bill That Would Reduce Rooftop Solar Subsidies. (The Hill)
- Texas Led The US Last Year In New Renewable Energy. (CNBC)
- Occidental Planning Wells Near Residential Plots In Firestone, CO. (Reuters)
- Dozens Of Gas Projects Subject To FERC's New Climate Policy. (Bloomberg)
- Methane Cloud Over Florida Linked To Pipeline Maintenance. (Bloomberg)
- Environmentalists Voice Opposition To Oil Drilling's Return Offshore CA's Central Coast. (SFGate)
- Researchers Say Transitioning To Renewables Would Improve US Power Grid Reliability. (Washington Post)
- Texas Residents Installing Solar Power Microgrids To Improve Reliability During Severe Weather. (Houston Chronicle)
- Clean Energy Fuels Corp Switches Methane Biofuel Source. (The Hill)
- The Hydrogen Market's Growing Credibility. (Financial Times)
- Marathon's Garyville, LA Refinery Catches Fire Monday. (Bloomberg)

Environmental Justice

- Biden Administration EJ Tool Will Be Race-Blind. (AP)

Enforcement

- No Easy Fix In PA's Groundwater Pollution Case Against Cabot Oil & Gas. (AP)

HQ Amplification

- EPA Hiring New Employees To Support Implementation Of Infrastructure Law. (E&E Publishing)

Toxics

- EPA Releases New Federal Purchasing Framework. (Inside EPA)
- Environmentalists Want Stronger RMP After NC Plant Fire. (Inside EPA)

Water

- EPA OIG Looking At Benton Harbor Water Crisis Response. (AP)
- EPA Gives Account Of Activities In Benton Harbor, Water Filter Study Results Coming Soon. (St. Joseph Herald Palladium)

Administrator

City Of Chicago Denies Southside Recycling Permit.

The AP (2/18, Hussein) reports the city of Chicago denied Southside Recycling a permit Friday. City Health Commissioner Dr. Allison Arwady said in a letter to the facility's owner, Ohio-based Reserve Management Group, that the facility "proposes to undertake an inherently dangerous activity in a vulnerable community area." She added that the company did not show that it could comply with a permit. EPA Administrator Michael S. Regan said in a written statement, "This is what environmental justice looks like: All levels of government working together to protect vulnerable communities from pollution in their backyards."

Also providing online reports are the The Guardian (GBR) (2/18), Bloomberg Law (2/18), WGN-TV Chicago (2/18), WLS-TV Chicago (2/18), WTTW-TV Chicago (2/18), WBBM-TV Chicago (2/18), Chicago Tribune (2/18, Hawthorne), Block Club Chicago (2/18), Recycling Today (2/20), NBC News (2/18), Recycling Today (2/19), Earth Island Journal (2/21, Moore), Illinois News Today (2/18), NRDC (2/18), Recycling Today (2/19), Chicago Sun-Times (2/18), Cook County (IL) Record (2/18, Bilyk), Courthouse News (2/18), Crain's Chicago Business (IL) (2/18), and WMAQ-TV Chicago (2/18). Broadcast coverage included WMAQ-TV (2/19), WLS-TV (2/19), WBBM-TV (2/18), WGN-TV (2/18), and WFLD-TV (2/18).

Regan Visits Detroit To Unveil Basement Protection Program, Talk About GLRI.

WJBK-TV Detroit (2/18, Kelley) reported on its website that Detroit has been allocated \$15 million from American Rescue Act funds to help residents who are affected by flooding during heavy rainfall. EPA Administrator Michael Regan came to the city Friday to introduce the Basement Backup Protection Program. Regan said, "It's expected to create over 3300 jobs. The program is putting people to work installing devices that prevent sewer back up to protect health and safety of community."

The *Detroit News* (2/19, Thompson) reported Regan also held a press conference on the Great Lakes Restoration Initiative at the Dossin Great Lakes museum on Belle Isle. Regan said, "The long history of indiscriminate dumping of polluted discharges led to the degradation of fish and wildlife population and threatened the well-being of communities along the (Detroit) River."

WDIV-TV Detroit (2/18, Winchester, Clarke), WDIV-TV  Detroit (2/18, 5:14 p.m. EST), and WJBK-TV  Detroit (2/18, 10:25 p.m. EST) provided broadcast reports.

Power Plant Emissions Rose In 2021.

E&E Publishing (2/18, Reilly) reported EPA data released Friday indicate sulfur dioxide, carbon dioxide and other emissions from power plants increased last year, after a long-term downward trend. In the Lower 48 states, carbon dioxide emissions rose 7% compared with 2020, and nitrogen oxides were up 6%. EPA Administrator Michael Regan said in a statement, "It's clear our work is far from done, as we deliver on our commitment to protect the health of everyone and especially those most vulnerable among us."

The *City County Observer* (2/20) and Bloomberg BNA (2/18, Hijazi) also reported.

Three More US Food Loss And Waste Champions Named.

Pro Food World (2/18, Smith) reported the USDA and EPA have named Danone North America, Smithfield Foods, and Tyson Foods the latest US Food Loss and Waste 2030 Champions. The companies have committed to reducing food waste by 50% by 2030. EPA Administrator Michael S. Regan said, "EPA recognizes the important role that public and private partnerships play in order to tackle our shared pollution challenges comprehensively. We are excited for our ongoing work with government partners and industry leaders, like the 2030 Champions, to prevent and reduce food waste across the supply chain."

Opinion: EJ Needs Whole-Of-Government Approach.

In an op-ed in *The Hill* (2/19), Shannon Dosemagen, Shuttleworth Foundation Fellow directing the Open Environmental Data Project in New Orleans, said EPA Administrator Michael Regan took the step residents of Louisiana's so-called Cancer Alley have been asking for when he announced a \$600,000 investment in air monitoring. However, "shiny, metallic monitoring objects – and the data they collect – are not silver bullets of justice." Dosemagen says we must address the "problematic reporting and monitoring workflows that have detracted from the mission of agencies like EPA." She is "excited about a whole-of-government approach to justice, and specifically to environmental justice for communities who have doggedly worked toward it."

Democrats Hope Infrastructure Projects' Popularity Will Help Them Stay In Office.

E&E Publishing (2/18, Cahlink, Sobczyk) reported Congressional Democrats from around the country are hoping that the popularity of infrastructure projects will help them stay in office after midterm elections. EPA Administrator Michael Regan, appearing in Ohio on Thursday with President Biden and Rep. Marcy Kaptur (D-OH), said, "At the heart of this law is an understanding that protecting the environment and the economy are not mutually exclusive, they actually go hand in hand."

[Back to top ▲](#)

Air

Environmentalists, California Want Stronger EPA Aircraft PM Rule.

Inside EPA (2/18) reported, "Environmentalists and California air regulators are urging EPA to significantly strengthen its proposed rule to cut particulate matter (PM) from aircraft engines, saying the plan to align U.S. standards with limits adopted by the International Civil Aviation Organization (ICAO) merely locks in the status quo and fails to improve air quality. "EPA should stop outsourcing" aircraft emissions standards to ICAO, Angela Csondes and Bonnie Soriano, officials with the California Air Resources Board (CARB), told the agency...Feb. 17."

Consent Decree Signed On WY Coal-Burning Power Plant.

E&E Publishing (2/18, Reilly) reported, "Under an approach touted by Wyoming Gov. Mark Gordon (R), a newly signed court consent decree would lock in PacifiCorp's previously announced plans to convert two of the Jim Bridger power plant's four coal-fired units to natural gas by 2024," rather than following an EPA-approved plan to install new emissions controls. EPA spokesperson Lindsay Hamilton said in an email, "We are encouraged by this development and Wyoming's and PacifiCorp's agreement to include these commitments" in a revised state implementation plan.

[Back to top ▲](#)

Brownfields/Superfund/Other Cleanups + Redevelopment

Environmentalists Seeking Data Update At Superfund Site.

Inside EPA (2/18) reported, "Environmentalists are pressing EPA for updated fish consumption and demographic data at a Department of Energy (DOE) Superfund site where the Biden administration is reconsidering a Trump-era cleanup decision, reiterating their calls for EPA to reverse the precedent-setting decision in order to comply with its environmental justice (EJ) goals."

[Back to top ▲](#)

Budget/Recovery Act

EPA Working To Include Local Government Advice On BIL Implementation.

Inside EPA (2/18) reported, "EPA officials say they are working to include a range of advice from their local government advisors on environmental justice, climate and other issues in upcoming guidance on how to implement the bipartisan infrastructure law (BIL) but are grappling with how to 'strike the right balance' when addressing some of the advisors' recommendations. 'Thanks for the really practical, brass-tacks recommendations,' Assistant Administrator for Water Radhika Fox told the Local Government Advisory Committee (LGAC) Feb. 17."

[Back to top ▲](#)

Climate Change

Experts Say Supreme Court Could Curtail EPA's Authority To Fight Climate Change.

NPR (2/21, Grant) reports, "The U.S. Supreme Court is set to hear a case later this month that will look at how the EPA regulates greenhouse gases." The case, *West Virginia v. EPA*, "stems from rules created by the Environmental Protection Agency during the Obama administration known as the Clean Power Plan, which attempted to shift the electricity sector away from coal-powered plants, and toward cleaner energy sources." Legal experts say the Supreme Court could not only curtail the EPA's authority in fighting climate change, but rein in other federal agencies as well.

Judge's Ruling On Social Cost Of Carbon May Temporarily Upend Numerous Agency Decisions.

The *Washington Post* (2/21, Joselow) reports that a February 11 ruling by "a Louisiana federal judge" that "bars the Biden administration from accounting for the real-world costs of climate change has created temporary chaos at federal agencies, upending everything from planned oil and gas lease sales to infrastructure spending." The Justice Department "intends to appeal" the ruling, "but in the meantime, the ruling could set off a scramble at federal agencies to redo their analyses of major decisions that relied on the higher social cost of carbon," according to Dominic J. Mancini, deputy administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

SEC Considers Rules For Disclosing Greenhouse-Gas Emissions.

The *Wall Street Journal* ([Request Article](#)) (2/18, Eaglesham, Kiernan) reported on rules being considered by federal regulators that would require all public companies to disclose greenhouse-gas emissions, but how that is to be done and in what detail is still being discussed. The main questions

regard disclosure of emissions by a company's suppliers and its customers making use of its products. The Carbon Disclosure Project estimates that, on average, emissions from suppliers are over 11 times as much as a company's own emissions. Businesses have argued that they do not have sufficient data to report all of these emissions, and the SEC runs the risk of having its rules overturned if they are deemed too burdensome or to go beyond its regulatory authority.

Kerry: Geopolitical Tensions Could Hinder Global Climate Efforts.

The AP (2/18, Jordans) reported, "Geopolitical tensions, including the current crisis between Russia and Ukraine, could hamper international efforts to curb global warming even as time to tackle the problem is running out, U.S. climate envoy John Kerry said Friday." Speaking at the Munich Security Conference, Kerry "warned that the rise in the cost of energy stoked by the crisis may make consumers and governments wary of taking tough measures needed to reduce greenhouse gas emissions."

Outgoing Deputy Climate Envoy Discusses Biden Administration's Climate Change Progress.

NPR (2/21) correspondent Ari Shapiro talked with "outgoing deputy climate envoy Jonathan Pershing about what the Biden administration has accomplished on climate change so far." Pershing said: "Before we came in, the analyses suggested that the temperature increase by the year 2100 was perhaps as much as three degrees, twice where we should be. The most recent analyses done by the International Energy Agency suggest that with the current actions and commitments in place through 2050, we are at about 1.8 degrees."

[Back to top ▲](#)

Editorial/Op Ed/ Commentary/Letters

Attorneys: Supreme Court Should Challenge EPA's Overreach.

In an op-ed for The Hill (2/21), attorneys Frank Garrison and Paige Gilliard argue that "Federal executive branch agencies have the power to regulate only if Congress gives them clear authority, yet agency bureaucrats often ignore the limits on their power and seek to alter laws in a way they believe is 'right.'" Garrison and Gilliard contend that the Environmental Protection Agency "is especially notorious for overreach," as it "routinely seeks to alter environmental laws and expand its power to regulate private property with no clear authority from Congress." Garrison and Gilliard add that the EPA recently has "sought to remake the energy sector under the Clean Air Act and to aggrandize its power under the Clean Water Act to become a roving land-use planner – an authority the Constitution delegates to the states." They argue that the Supreme Court should challenge the EPA's "expansive reading of these statutes" when it hears "two cases over the next year addressing the limits of the agency's authority."

Column: Federal Reserve Not The Right Place To Push Climate Change Policy.

In his column for **Bloomberg** (2/18), Karl W. Smith said that a justifiable objection to Sarah Bloom Raskin's nomination to the Fed "are her ideas about how to use the Fed to fight climate change." He said, "Using monetary policy to address climate change would jeopardize the bank's ability to carry out its mandate and threaten its independence," as it "needs to be able to set monetary policy regardless of how it affects the current administration's policy agenda or political fortunes." Smith argued that "it would be dangerous for the Fed to adopt policies biased against the fossil-fuel industry."

Opinion: US LNG Exports Should Be Encouraged, Not Banned.

In an op-ed for the **Dallas Morning News** (2/20), Western States and Tribal Nations President Andrew Browning says US natural gas exports are a critical foreign policy tool for the Biden Administration, given the Ukraine crisis and Europe's reliance on Russian energy resources. Even so, there have been "recent calls from Washington to ban exports of LNG, liquefied natural gas, one from a manufacturing trade group and one from 10 senators mainly from New England." These groups characterize the policy as protecting "American consumers from high prices by preventing U.S. energy companies from seeking more lucrative overseas markets." But such bans undermine investment in energy infrastructure, leading consumers to suffer even more. Browning adds, "Exports are the way forward. The foreign control of oil supply that made energy export bans appear sensible to protect consumers in 1975 from expensive gasoline no longer apply."

[Back to top ▲](#)

Energy Issues

Environmental Rules Deal New Blow To US Natural Gas Pipelines.

The **Financial Times** (2/21) reports, "The prospects for new fossil fuel infrastructure in the US have gone from bad to worse after regulators beefed up environmental requirements..."

Florida Legislators Consider Bill That Would Reduce Rooftop Solar Subsidies.

The **Hill** (2/18, Udasin) reported, "A Republican-backed proposal to slash rooftop solar subsidies is advancing through Florida's legislature – deepening divides between supporters of the industry and the Sunshine State's largest utility." The proposal "would mandate changes to Florida's 'net metering' system: reductions to the paybacks that rooftop solar customers receive for the excess power they generate and the possibility of grid connection fees."

Texas Led The US Last Year In New Renewable Energy.

CNBC (2/18, Newburger) reported that Texas added more renewable power in 2021 than any other state in the US. It also "surpassed other states in the amount of storage it has under construction or in advanced development, reaching nearly 20,000 megawatts, followed by California at nearly 14,000 megawatts." Across the country, "27,773 megawatts of wind, solar and energy storage" was installed last year, "down 3% from the previous year, according to the American Clean Power Association report."

American Clean Power Association CEO Heather Zichal said, “Surpassing over 200 gigawatts of clean energy is a significant milestone for the United States and shows that we can achieve even more with strong public policy support for the industry.”

Editorial: Texas Conservatives Should Not Turn Against Renewable Energy. A Dallas Morning News (2/20) editorial argues that conservatives in Texas should not turn against renewable energy. The Morning News says Texas Gov. Greg Abbott (R) “got us started down this road when he decided, incorrectly, to blame wind and solar energy for the electricity supply problem during the 2021 winter storm.” Now some are even “want to take steps that would all but disable” new renewable energy projects. Instead, “A smarter approach for conservatives is to recognize the enormous value the wind industry provides to Texas and then turn to addressing the lack of investment in thermal production – especially natural gas power plants.”

Occidental Planning Wells Near Residential Plots In Firestone, CO.

Reuters (2/18, Hampton) reported Occidental Petroleum is “proposing to drill new oil and gas wells less than 800 feet away (244 meters) away from some residential developments, using a provision in new state regulations put in place after a fatal gas leak.” Although rules approved in 2020 require oil and gas operators to “put new wells at least 2,000 feet (610 meters) from residences,” provisions allow operators to “drill closer as long as they implement additional protections for public health, safety, welfare, wildlife and the environment.” Occidental’s proposed development in Firestone is “among the first to seek to work within the 2,000-foot boundary.” Regulators are set to rule on the proposal March 10.

Dozens Of Gas Projects Subject To FERC’s New Climate Policy.

Bloomberg (2/18, Freitas, Moore) reported Tellurian’s Driftwood LNG and Equitrans Midstream’s Mountain Valley Pipeline “are among dozens of proposed natural gas projects set to face new scrutiny after U.S. regulators tightened their criteria for approvals.” Nearly 13 billion cubic feet of new gas capacity “may be subject to the policy changes by the Federal Energy Regulatory Commission (FERC), which will now put more emphasis on the environmental impacts of proposed projects, as well as examine the demand for and intended uses of the gas being shipped.” The new standards “will apply to pending and future projects, including the \$6.2 billion Mountain Valley Pipeline and the Spire STL Pipeline, both of which have faced considerable legal challenges.”

Natural Gas Intelligence (2/18, Davis) reported, “Revamped policies that would guide FERC’s review of natural gas and liquefied natural gas infrastructure, as well as interim guidance for greenhouse gas (GHG) emissions, are likely to create more uncertainty and lengthier reviews, critics said.” Commissioner Allison Clements said there is “nothing remarkable, and certainly not radical, in taking environmental considerations into account while determining the public interest.” Still, “major natural gas industry groups slammed the policies, as did several GOP legislators.” Interstate Natural Gas Association of America (INGAA) CEO Amy Andryszak said the policy statements “replace the bipartisan and unanimous decision reached by the Commission in 1999.” Andryszak said they also “call into question the durability of FERC’s certificate policy review framework and add additional uncertainty to the already complex natural gas pipeline permitting process.”

Methane Cloud Over Florida Linked To Pipeline Maintenance.

Bloomberg (2/18) reported the Florida Department of Environmental protection said Friday that a large methane cloud spotted over Florida earlier this month was caused by a planned release from a natural gas pipeline operated by Florida Gas Transmission, a joint venture of Kinder Morgan and Energy Transfer. Energy Transfer said in a statement that it was “performing some scheduled work on our pipeline at that time.” The company “declined to say how much natural gas it released, or if it employed any mitigation approaches that can significantly reduce releases during maintenance.”

Environmentalists Voice Opposition To Oil Drilling’s Return Offshore CA’s Central Coast.

SFGate (CA) (2/18, Pridgen) reported community members in and around Santa Barbara, California are voicing opposition to plans for a restart of oil production offshore the state’s Central Coast.

Environmental Defense Center Chief Counsel Linda Krop “says ExxonMobil’s plan to have offshore platforms up and running again will find its way to the Coastal Commission and likely into court after that.” The group and local allies are currently fighting plans that would allow offshore oil to be transported by truck once onshore, as a 2015 pipeline spill put an end to conventional midstream operations in the region. But Krop said that even should the oil trucking proposal fail, further efforts at oil industry development could proceed.

Researchers Say Transitioning To Renewables Would Improve US Power Grid Reliability.

The Washington Post (2/20, Patel) reported a research team led by Stanford University Professor Civil and Environmental Engineering Mark Jacobson said in a recent study that transitioning to 100% renewable energy across the US could improve reliability and help prevent blackouts by reducing energy demand. The study “showed a switch to renewables would also lower energy requirements, reduce consumer costs, create millions of new jobs and improve people’s health.” In the study, “Jacobson and colleagues showed how to meet energy demands every 30 seconds across the United States with no blackouts in a greener, more populated nation in 2050 and 2051.” The team “found the actual energy demand decreased significantly by simply shifting to renewable resources, which are more efficient.”

Texas Residents Installing Solar Power Microgrids To Improve Reliability During Severe Weather.

The Houston Chronicle (2/18, Webb) reported thousands of Texas residents have installed microgrids powered by home solar panels and battery storage since last February’s winter storm. Solar Energy Industries Association President Abigail Hopper said in a statement that rising demand from residents after the storm put pressure on solar installers to keep pace with demand. The race “to buy new rooftop panels has slowed some, she said, but Texas remains among the top three states for new installations.” Hopper said, “I think as more and more Americans really struggle with the impact of severe weather – everything from fires, the cold, hurricanes, droughts – and see the impacts on power and power outages, you’re going to continue to see folks looking for resiliency.”

Clean Energy Fuels Corp Switches Methane Biofuel Source.

The Hill (2/21, Udasin, Elbein) reports in its Equilibrium newsletter that the California-based Clean Energy Fuels Corp “is giving its profit margins some gas – by switching its fuel source from landfill-

derived methane emissions to a chemically identical byproduct of cattle excrement.” Through its decision, the company “succeeded in boosting its earnings by millions of dollars overnight, The Wall Street Journal reported.” The Hill reports, “California’s clean-fuels ranking system grants cow manure a better score and higher subsidies than gas from garbage, according to the Journal.”

The Hydrogen Market’s Growing Credibility.

The *Financial Times* (2/21, Tett, Talman, Edgecliffe-Johnson) reports, “When journalists write about other journalists, it often smacks of navel gazing – and is thus best avoided. However, this week I am breaking...”

Marathon’s Garyville, LA Refinery Catches Fire Monday.

Bloomberg (2/21, Powell) reports Marathon Petroleum’s Garyville, Louisiana refinery “exploded into flames on Monday, threatening to crimp fuel supplies and raise pump prices at a time of already rampant inflation.” The fire, which began around 9:30 a.m. CST, injured five. It was “declared extinguished about 4 1/2 hours later.” The incident “occurred in a hydrocracker, according to a person familiar with the operation, a crucial piece of equipment that breaks heavy petroleum molecules down into lighter products such as diesel.” If damage is “significant enough to halt production at the Garyville complex, regional fuel supplies may be stretched.” *NBC News* (2/21) reports that in addition to fuels, the Garyville refinery “produces asphalt, petroleum coke and feedstocks to make plastics.”

[Back to top ▲](#)

Environmental Justice

Biden Administration EJ Tool Will Be Race-Blind.

The *AP* (2/21, Costley) reports the Biden Administration released a screening tool Friday to help identify disadvantaged communities that have environmental justice issues, but race will not be considered in it. Officials said that move makes it less likely that the tool will face legal challenges. Environmentalists and EJ advocates have strongly criticized the move.

Inside EPA (2/18) reported, “The White House Council on Environmental Quality (CEQ) has released its long-awaited tool to help federal agencies identify disadvantaged communities eligible for billions of dollars in funding under the administration’s environmental justice (EJ) Justice40 initiative. While the tool includes a series of environmental, economic and other metrics for determining whether communities that are overburdened by pollution and face other disadvantages are eligible for funds under Justice40, the current version of the tool does not include race as a factor.”

Inside EPA (2/18) reported, “Environmental justice (EJ) advocates are strongly opposing the Biden administration’s decision to exclude race from its newly released screening tool for allocating infrastructure and other funds to overburdened communities, charging it is a political rather than a scientific decision that also abandons core voters who were critical to President Joe Biden’s election. EJ

advocates say that by dropping race from the screening tool, minority communities will certainly be overlooked.”

Also reporting were the **Washington Post** (2/18, Fears), **The Hill** (2/18, Budryk), **Bloomberg BNA** (2/18), the **Richmond (VA) Times-Dispatch** (2/18), **E&E Publishing** (2/18, Chernick), and **CNN** (2/18, Nilsen).

[Back to top ▲](#)

Enforcement

No Easy Fix In PA’s Groundwater Pollution Case Against Cabot Oil & Gas.

The AP (2/18, Rubinkam) reports Pennsylvania’s ongoing criminal case against shale drillers in central Pennsylvania has “entered a difficult new phase as prosecutors pursue criminal charges against the state’s most prolific gas driller – and push for a settlement they say could yield more significant benefits for homeowners than a conviction.” The state is pushing for the driller, Cabot Oil & Gas, to pay for individual water treatment systems for area residents dealing with water pollution in private wells. But this has put prosecutors “at odds with some residents who reject individual water treatment systems as inadequate and unworkable.” These residents “want to be hooked up to public water – itself a controversial idea in their rural community, one that state environmental officials talked up more than a decade ago but ultimately abandoned under legal threat from the driller and local officials.”

[Back to top ▲](#)

HQ Amplification

EPA Hiring New Employees To Support Implementation Of Infrastructure Law.

E&E Publishing (2/18, Bogardus) reported EPA Deputy Administrator Janet McCabe said in an internal agency email Thursday that the agency is working to hire more than a thousand employees to support the implementation of the new infrastructure law. McCabe said, “While there are many accomplishments to celebrate, this is a monumental undertaking that is asking a lot of our team.” She added, “One of my top priorities is moving quickly to hire 1,000+ highly-qualified team members across the agency. ... We are making good progress with more than 150 new team members already in the pipeline.”

[Back to top ▲](#)

Toxics

EPA Releases New Federal Purchasing Framework.

Inside EPA (2/18) reported, “EPA has released a new framework for environmentally friendly federal purchasing that tightens limits on per- and polyfluoroalkyl substances (PFAS) as part of a recent executive order focused on government-wide sustainability – creating what one attorney calls a “powerful motivator” for industry to remove PFAS from a host of products. The agency’s Feb. 4 guidance updates a slate of existing resources designed to aid federal purchasers in selecting products that meet federal goals for chemical safety, climate emissions and other” standards.

Environmentalists Want Stronger RMP After NC Plant Fire.

Inside EPA (2/18) reported, “Environmentalists are renewing long-standing calls for EPA to expand its risk management plan (RMP) chemical facility safety rule to include ammonium nitrate, the main ingredient in fertilizer, arguing that a recent fire at a North Carolina fertilizer plant serves as a ‘wake up call’ for the need to bolster protections against future disasters.”

[Back to top ▲](#)

Water

EPA OIG Looking At Benton Harbor Water Crisis Response.

The AP (2/18, Flesher) reported the EPA Office of the Inspector General will investigate announced Friday it will investigate the agency’s response to the drinking water crisis in Benton Harbor, MI. OIG official Michael Davis said in a notice to EPA Region 5 Administrator Debra Shore and EPA Assistant Administrator for the Office of Water Radhika Fox, “The anticipated benefits of this audit are to determine if the EPA can improve the speed at which public health protections are delivered to communities facing imminent and substantial public health risks.”

Also reporting were E&E Publishing (2/18, Northey), the Detroit Free Press (2/18), Crain’s Detroit Business (2/21), the Detroit News (2/21), Bridge Magazine (MI) (2/21), and The Hill (2/18, Budryk).

EPA Gives Account Of Activities In Benton Harbor, Water Filter Study Results Coming Soon.

The St. Joseph (MI) Herald Palladium (2/18, Wrege) reported results of the EPA study on the effectiveness of the water filters provided to Benton Harbor residents to combat lead contamination will be available by the end of the month EPA strategic communications coordinator Taylor Gillespie said in an email. The EPA also released a statement Wednesday detailing the steps it was taking in response to the crisis in answer to a petition filed by local advocates in September. EPA Region 5 Administrator Debra Shore told the newspaper in December that preliminary results showed the water filters were effective when installed and maintained correctly.

[Back to top ▲](#)

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NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 2, 2017

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Ute Mountain Ute Tribe
P.O. Box 248
Towaoc, CO 81334-0248

Dear Chairman Cuthair:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your July 6, 2017, letter requesting government-to-government consultation, in order for the NRC to fully understand your concerns regarding the relicensing of the White Mesa Uranium Mill located south of Blanding, Utah.

The NRC Policy is to consult on a government-to-government basis with Tribal governments as soon as practicable on NRC regulatory actions with Tribal implications; however, the State of Utah has entered into an Agreement with the NRC under Section 274 of the Atomic Energy Act to, among other things, assume regulatory authority for activities related to uranium and thorium milling (also known as uranium recovery). As such, regulatory authority for relicensing of the White Mesa Uranium Mill rests with the State of Utah and not the NRC. Because the State of Utah is the cognizant regulatory authority for these activities, the NRC cannot consult on this matter. Therefore, if you have concerns regarding the licensee for the White Mesa Uranium Mill, please contact the State directly.¹

However, if your concerns relate to the State's program for relicensing, the NRC has an Agreement State performance concerns process² that ensures that concerns involving Agreement State programs and employees are properly and expeditiously addressed. The NRC welcomes the opportunity to communicate with the Ute Mountain Ute Tribe through this process to fully understand any concerns you may have about the Agreement State's programmatic activities related to the relicensing of the White Mesa Mill. The NRC staff is committed to working closely with you to ensure that your concerns are appropriately addressed.

¹ The process for contacting an Agreement State regarding concerns involving the violation of requirements and wrongdoing by individuals or organizations involving an area for which an Agreement State has assumed regulatory authority is described on the NRC's public Web site at <https://scp.nrc.gov/allegations.html>.

² The process for reporting concerns involving Agreement State programs and employees is described on the NRC's public Web site at https://scp.nrc.gov/procedures/sa400_fin.pdf.

- 2 -

We recognize that you addressed your letter to the Department of the Interior and the Environmental Protection Agency, as well as the NRC. This response reflects solely the NRC's role and jurisdiction related to the relicensing of the White Mesa Uranium Mill. In addition to this letter, Stuart Easson from the NRC's Tribal Liaison staff will be contacting you so that we can learn more about your concerns. Please feel free to contact Stuart, via phone (301) 415-5134, or e-mail at Stuart.Easson@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristine L. Svinicki', with a stylized, flowing script.

Kristine L. Svinicki

cc: The Honorable Orrin Hatch
The Honorable Mike Lee
Mr. Scott Anderson
Ms. Shirlee Silversmith